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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1947

No. 270

HARRISON PARKER, PETITIONER,

vs.

PEOPLE OF THE STATE OF ILLINOIS

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF ILLINOIS

PETITION FOR CERTIORARI FILED AUGUST 15, 1947.

CERTIORARI GRANTED JANUARY 5, 1948.

SUPREME COURT OF THE UNITED STATES

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[fol. 1]

IN THE SUPREME COURT OF ILLINOIS, MAY TERM, A. D. 1946

STATE OF ILLINOIS, Defendant-in-Error,

vs.

HARRISON PARKER, Plaintiff-in-Error

Error to the Appellate Court of Illinois, First District.

There heard on Writ of Error from the Circuit Court of Cook County.

Honorable Daniel P. Trude, Trial Judge.

ABSTRACT OF RECORDS—Filed August 20, 1946.

Placita.

Summons filed December 10, 1943.

Demand for Jury Trial filed December 8, 1943.

COMPLAINT—Filed December 8, 1943

"The plaintiff Harrison Parker, complaining of the defendant Jacob Shamberg, for cause of action, alleges as follows:

"1) That on December 11, 1942 at Chicago, . . . Jacob Shamberg maliciously spoke of and concerning the plaintiff the following malicious and defamatory words:

'You are a black mailer.'

"2) That said words were wholly false.

[fol. 2] "3) That the plaintiff was injured in his reputation, to the damage of the plaintiff in the sum of $10,000."

Appearance of Kirkland, Fleming, Green, Martin & Ellis, as Attorney- for Jacob Shamberg, filed December 28, 1943.

ANSWER OF JACOB SHAMBERG—Filed January 25, 1944

"1) The words complained of are true.

"2) And for a further defense, this defendant says that the words complained of were spoken on a privileged occasion, and the defendant in good faith believed them to be true."

PETITION FOR CHANGE OF VENUE AND ORDER

Petition of Harrison Parker, to the Circuit Court of Cook County, for a change of venue from Judges John Prystalski, William V. Brothers, Harry M. Fisher and Julius Miner, filed December 30, 1943.

Order of Judge John Prystalski, dated December 30, 1943, to allow the change of venue.

Order of the Executive Committee of the Circuit Court of Cook County, assigning the cause to Judge Cornelius J. Harrington, dated December 30, 1943.

PETITION FOR SUBPOENA AND ORDER

Petition of Jacob Shamberg, dated March 22, 1944, for an order permitting him to issue Subpoena Duces Tecum for the persons named in the petition, to appear for depositions, and to bring with them all the books and records which they have pertaining to the Puritan Church:

"That the Puritan Church is registered in the Recorder's Office of Cook County, under Document No. 13098859, at Page 223, in Book 1444, as a religious Corporation on June 28, 1943. The Certificate of Incorporation is signed by said [fol. 3] Parker, as Secretary of the Meeting."

"That the petitioner is informed and believes that Parker formed the so-called 'Puritan Church' as a means to carry on certain extortion operations and giving his activities an aura of legality . . ." that records and testimony of the named persons are material in this cause.

Duly sworn to by J. B. Martineau. Jurat omitted in printing.

Order of Judge Cornelius J. Harrington dated August 25, 1944, as follows:

"This cause coming on to be heard on the petition of the defendant, for an order requiring Dr. Agnes Richardson and Elmer L. Benton to answer certain interrogatories and the court being fully advised in the premises;

"It is hereby ordered that Dr. Agnes Richardson and Elmer L. Benton appear at room 3200, 33 North LaSalle Street, on October 2, 1944 at 10:00 A. M. and answer under

oath and not adversely the interrogatories heretofore propounded to said Agnes Richardson and Elmer L. Benton [fol. 4] together with all interrogatories leading from or out of said interrogatories.

Enter:

Cornelius J. Harrington, Judge."

O.K. H.P. Aug. 25, 1944.

Order of the Executive Committee of the Circuit Court of Cook County, transferring the cause to Judge Daniel P. Trude, dated October 4, 1944.

Withdrawal of Reuel Grunewald, as Attorney for Harrison Parker, dated December 4, 1944.

MOTION AND ORDER

Motion of Jacob Shamberg, filed January 2, 1945, for "an order directing the plaintiff Harrison Parker, to show cause why he should not produce for inspection and to be copied or photographed, the following specified documents relating to the merits of the matter in controversy:

"All originals, duplicate originals and copies of all letters, telegrams, writings, memoranda, etc., passing between and also all Minute Books, written resolutions, by-laws, trust deeds, contracts, books of account, invoices, receipted bills, canceled checks, check stubs, bank statements showing or reflecting any dealings between any of the following persons, firms, corporations and pretended religious corporations or bodies, during the period between January 1, 1940 up to and including the present time."

There follows 38 names of firms, persons, corporations and religious corporations, including the Ecumenical Council of the Puritan Church, the Brotherhood of the Ancient Order of St. John; the pretended Puritan Church Committee, to aid in driving the hoodlums, the assassins, and the black mailers out of the control of labor unions, out of [fol. 5] the control of the legal profession, out of the control of journalism and out of the control of politics; and the individuals Conrad Miner, Charles Norris, and the Chancellor.

Then the motion continued:

"Second: Defendant moves the court for the entry of an order requiring the plaintiff, Harrison Parker, to state by affidavit whether any of the documents hereinabove described in paragraph I are now or have at any time been in his possession or power, and if not now in his possession or power, when he parted with the same and what has become thereof."

Duly sworn to by J. B. Martineau. Jurat omitted in printing.

[fol. 6] Parker resisted that motion, then and there, as the excerpt from the motion of Shamberg, the defendant, recites:

"Mr. Parker: Your Honor, there is not a single request there that is pertinent to the issue. He wants the records of the Puritan Church. I told Your Honor they are in Canada.

"Mr. Martineau: We want that set up by affidavit under Rule 17. This man is very slippery.

"Mr. Parker: Your Honor, there is no power in the Court to ask for these things. They are records of the Church. I have nothing to do with them.

"Mr. Martineau: Your Honor, Mr. Parker has said many times that he can get these records here. I am prepared to show all this. I am proceeding under Section 17, sub-sections 8 and 9. If he wants to state what he has just said under oath in an affidavit, that is his privilege, but we do have a right to have him make that formal statement under oath. Rule 17, sub-sections 8 and 9.

* * *

"Mr. Parker: But the rule of the Supreme Court is about matters relative to the issue. They are not relative to the issue.

"The Court: They are relevant to the issue or may be.

"Mr. Parker: Your Honor, I suppose I have no objection to your entering the order if you want to do it.

"The Court: Now, fine, we are agreed upon one thing, at least.

"Mr. Martineau: How many days do you want, Mr. Parker, to answer?

[fol. 7] "Mr. Parker: What day is it you say we are coming back here for trial? What day is it?

"Mr. Martineau: I think His Honor said——

"The Court: I said Monday before this matter was discussed.

"Mr. Martineau: How many days do you want?

"Mr. Parker: Well——

"The Court: If they are to be in here Monday——

"Mr. Parker: They are not coming back, Your Honor. There is no worry about that. I can answer that thing. I should say, give me until Friday, and I will have a nice answer; one that the town will be glad to have on record."

Thereupon an order was entered on January 2, 1945, requiring Parker, within five days to show cause and to file the affidavit.

Order of Judge Daniel P. Trude, dated January 2, 1945 for Harrison Parker to state by Affidavit filed in this Court

"(1) whether any of the Documents described in said written Motion are now, or at any time in the past, have been, in his possession or power, and if not now in his possession or power, when he parted with same and what has become of them: (2) show cause why he should not produce for inspection, and to be copied or photographed the Documents described in said written Motion.

Daniel P. Trudge, Judge."

AFFIDAVIT

Affidavit of Harrison Parker, dated January 4, 1945, in which he states that he has not now, nor has he ever had in his possession, nor has he ever seen the described Documents passing between 22 of the individuals, firms or corporations named in the Motion: that in November 1944, when he moved his private files from 4534 Greenwood Ave-[fol. 8] nue, Chicago, he destroyed all his correspondence with Messrs. Miner, Race and Norris, along with a lot of other useless and unimportant to him letters, record-, etc., Answering questions 34, 35, 36 and 37, he attaches herewith as Exhibits A, B, C and D, all the described Documents

now in his possession, custody, control or power: all others were destroyed when he moved his office last November. Answering question 38, he stated that he never did, at any time, under any circumstances do business "under the name and style of the Puritan Church," "the Puritan Church Committee, etc., to Moderator." Answering question 23:

"The pretended Puritan Church Committee, to aid in driving the hoodlums, the assassins, and the black mailers out of the control of labor unions, out of the control of the legal profession, out of the control of journalism and out of the control of polities.

Conrad Miner, Charles Norris, Harrison Parker, Chairman."

He stated it had never been heard of by him, nor had he ever had any connection with such an organization. The above Affidavit was signed by Harrison Parker, and acknowledged by Leah Consolin, Notary Public, on the 4th day of January A. D. 1945.

The described Documents attached to his Affidavit are as follows:

EXHIBIT "A"

"Certified copy of Resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the [fol. 9] United States, and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 West Randolph Street, on August 16th, 1943, and amended at the adjourned meeting held in Chicago on February 5, 1944.

(Page 1)

"The direct Sires of the present members of this Puritan Church fled England to dwell as free men on American Soil;

"The direct Sires of the present members of this Church, fought at Concord and died at Valley Forge, to set up on American Soil, a government by law:

"That the government thus set up invited the peace loving to emigrate to it and share with the Puritans the

blessings that flow from living under such a government; that along with the peace loving came a lot of scoundrels:

"That along with the mixed crowd that came here, was Joseph Medill:

(Page 2)

"That as soon after as it was possible, Joseph Medill set up a corporately owned newspaper called the Chicago Tribune, whoses money making policy was

"1) to make circulation by being in its news and editorial columns 'agin' the government in power with libels of its leaders:

"2) to make cash dividends by blackmailing the public officials to allow it to steal money from the County which protected it in its infamy; that under his management, the Chicago Tribune cheated Cook County of 15 Million Dollars; that his daughters Katherine and Eleanor, succeeded [fol. 10] him; under their management the Chicago Tribune stole from Cook County an additional 20 Million Dollars; that the daughters named, were detected, tried and convicted by the United States Government, for withholding from the U. S. Government, an enormous sum of money; that the scheme the women used was devised in Weymouth Kirkland's law office; that these women were succeeded in the management of the Chicago Tribune by Robert R. McCormick, Joseph Medill Patterson and Mrs. Eleanor Schlesinger:

(Page 3)

"That the Court records of Illinois, show that Robert R. McCormick is a coward, a liar, a cheat, a thief, and an all around scoundrel, whose private fortune is an acknowledged 16 Million Dollars.

"That Joseph Medill Patterson kicked out of his life in her old age, the wife of his youth, and the mother of his legitimate children.

"That under the management of Robert R. McCormick and Joseph Medill Patterson, the Chicago Tribune has stolen from Cook County, more money than was stolen by it during its administration by their grandfather and mothers:

"That Robert R. McCormick influenced a U. S. Judge in case 22619, to issue an order under which Robert R. Mc-

Cormick entered his best friend's home and broke it up by stealing the friend's wife.

"That the public records show that Robert R. McCormick either influenced, intimidated or bribed Judges ..... and ....., in case 38-C-3209, to issue crooked orders to hide the fact that the Chicago Tribune had stolen 100 Million Dollars from Cook County.

[fol. 11] (Page 4)

"That said Robert R. McCormick either influenced, intimidated or bribed Justices ....., ... and ..... to write a crooked opinion in case 24881, which was filed to compel the Chicago Tribune to disgorge the 100 Million Dollars it has stolen from Cook County.

"That Robert R. McCormick either influenced, intimidated or bribed the entire division of the Appellate Court presided over by Judge ....., to write a crooked opinion in case 39804, in which McCormick and Kirkland had a money interest in a crooked opinion.

"That the unconscionable scoundrel Robert R. McCormick, either influenced, intimidated or bribed Judges ..... and ..... of the Criminal Court of Cook County, in cases 20981 and A40, to 'railroad' to Joliet Prison and to the Cook County Jail, men whom the Supreme Court records in cases 20981 and 25595 show to be innocent of the charges for which they were 'railroaded.'

(Page 5)

"That by reason of the corruption of said McCormick and his crooked lawyers of all the Courts of Illinois, from .....'s Municipal up to and including .....'s crooked Supreme Court, the combined money fortunes of the Medill-McCormick Patterson family now amount to the dangerous figure of 125 Million Dollars.

"That this swollen money fortune has passed to the third generation without the payment of a single cent, of the legally imposed taxes, except a small one paid on the estate of Eleanor Medill Patterson.

[fol. 12] "That Katherine Medill McCormick was born in Chicago, lived in Chicago, and is buried in Chicago.

"That before her last trip abroad, Weymouth Kirkland drew a will for the lady, in which she stated over her own signature, that she was a resident of the City of Chicago;

she informed the Collector of Internal Revenue that her official address was in Chicago. She died while sojourning in Paris, France. When her will was offered for probate in Chicago, Robert R. McCormick quietly without any publicity appeared before Harry B. Ash, a politician, supported for office by the Chicago Tribune; and there took the witness stand, and there made an oath to his God to tell the truth: then he lied like a horse

(Page 6)

thief, by stating that his mother Katherine Medill McCormick was not a resident of Illinois.

"That Weymouth Kirkland followed Robert McCormick on the witness stand; he took *took* an oath to his God, to tell the truth: then, with a straight face, he too swore that Katherine Medill McCormick was not a resident of Illinois: thus Kirkland repudiated a mandate in a will, for which a client had paid him a fee, to insert.

"Upon the self-serving testimony of these two pink-scented scoundrels, Harry B. Ash decided that Katherine Medill McCormick was not a resident of Illinois.

"By that one man decision, the State of Illinois was robbed of an enormous sum of money due to it, and Robert R. McCormick and his crooked lawyer Weymouth Kirkland were correspondingly enriched.

[fol. 13] (Page 7)

"That by an act of God there has been revealed evidence that, while the Chicago Tribune was hypocritically shouting it was a free press, watching the interests of the public, it was robbing Cook County of a sum of money which now amounts to approximately 100 Million Dollars; that every dollar of the stolen money has been traced into the private bank accounts of Robert R. McCormick, Joseph Medill Patterson and Eleanor Patterson Schlesinger, and the other stockholders of the Chicago Tribune.

"That the Puritan Church submitted the evidence of the cowardly crimes committed by Robert R. McCormick, to the best lawyers; they pronounce it irrefragable and say that particularly for fixing crooked Judges to write crooked opinions, Robert R. McCormick should either be confined in an Insane Asylum, or taken out by a posse of indignant citizens and either shot, hanged to an oak tree, as was done

in Illinois, when horse-stealing instead of tax stealing was the occupation of gentry of the ilk of McCormick.

"That A. S. Trude, at the same time the General Counsel of the Chicago Tribune, and the President of the Board of Education, put through for the Chicago Tribune, a lease on some school property, which the Chicago Tribune sold in 1925, for an additional cash profit of $6,040,000.00, according to its own books.

(Page 8)

"That Robert R. McCormick was practically brought up by servants, while his mother was gadding about Europe. His only brother Medill McCormick, was pronounced in-[fol. 14] curably insane by the celebrated alienists, Patrick, Worthy and Jung.

"That the antics of Robert R. McCormick at social gatherings to make himself the 'life of the party'; the crimes he has committed; the 'railroads' of innocent men to prison in which he has engaged; his attempt to 'welsh' on a debt of honor; his association

(Page 9)

with professional murderers like Jack Gentleman, Mossy Enright, Gyp the Blood, Philadelphia Jack Barry and other hoodlums, indicate that there might be a screw loose in the mental machinery of Robert R. McCormick.

"His position as the head and control of an important newspaper which he occupies by accident of birth; his known hatred for the Jews, the Puritans and the Negroes; his insistance, that he be the political 'boss' of Illinois, and the head of the Republican Party in the U. S. A.; his control over 100 Million Dollars with the right in his obvious mental condition, to spend it as he chooses, compels the Puritan Church in its duty to its otherwise defenseless congregation, and to its neighboring defenseless congregations, to proceed to his criminal prosecution if he be sane, or his incarceration in a suitable institution, if he be insane.

"That the public records show that all the Judges who issued the obviously crooked orders and opinions for McCormick, his newspaper and his crooked law firm, were unqualifiedly advocated and re-elected by the 'support' of the Chicago Tribune, to places on the Circuit and Superior Court of Cook County, and to the Appellate and Supreme

Courts of Illinois, where they now sit passing judgment [fol. 15] on the lives and property of defenseless men and women, who have no way in the law of Illinois, to protect themselves against the depravities which such scoundrels will commit under the cover of a Court order and opinions.

(Page 10)

"That said McCormick has already started atrocities on the Jews, the Negroes and the Puritans by having one of his crooked Judges write a crooked opinion, under which a Puritan was 'railroaded' to the Cook County jail and held there, while unspeakable atrocities were inflicted upon him there, by Howard Ellis, of the notorious law firm of Kirkland, Fleming, Green, Martin & Ellis, the lawyers for McCormick in all his cowardly 'railroads' of innocent men, and his thieving operations to increase his private fortune.

"That Dwight H. Green, Governor of Illinois, by the orders of the same McCormick, is violating Article 5 of Section 6, of the Constitution of Illinois.

"That Werner Schroeder, McCormick's member from Illinois of the Republican National Committee, walks in and out of the back doors of the Chambers of the crooked Judges of the Supreme Court of Illinois, to make political deals for them and with them, and for said Robert R. McCormick.

"That neither life, nor property, nor reputation is safe, when the Constitution of Illinois, is violated; its law defied and its courts corrupted; when public officials are under the domination of a man whose public record is that he is a liar, a cheat, a thief, a court-fixer, a Constitution violator, a free lover, and an all-around scoundrel and a white livered coward.

[fol. 16] "That the Courts of Illinois are unable to cope with the power of its corporately owner newspaper; to withstand its bribery, its threats, its blackmail and its interference in the nomination and election of Judges.

(Page 11)

"That the Constitution of the U. S. A. provides that no citizen shall be deprived of life, liberty or property without due process, while due to the corrupt power wielded by said McCormick, the State of Illinois is deprived of the Republican form of Government guaranteed to it, by the Constitution of the United States of America.

"That because of the power of said McCormick and his Tribune and their corrupt use of money and influence with the public officials, it is impossible for the citizens of Illinois, to have the help of such officials, in bringing said McCormick and said Tribune before any Courts, where complaints against them will be given a fair trial.

"Therefore the joint meetings of the Ecumenical Council of the Puritan Church of the United States, petition the Federal Government at Washington, under the First and Fourteenth Amendment- to the Constitution of the United States to

"1) Convene a Federal Grand Jury:
"2) Place Illinois under Military Rule:
"3) Convene a Military Court:

(Page 12)

"4) Collect from Robert McCormick every cent of inheritance tax he owes on the Estate of Katherine Medill McCormick:
"5) Collect from the Chicago Tribune every cent it owes to Cook County:
[fol. 17] "6) Call a Constitutional Convention:
"7) Re-establish in Illinois the Republican form of Government.

"That Conrad Miner, Charles Norris and Harrison Parker, be and they are appointed to deliver this petition of our grievances to the proper United States Government authorities.

(Page 13)

STATE OF ILLINOIS,
County of Cook, ss:

"Harrison Parker being duly sworn deposes and says that he was appointed the Secretary of the Joint Meetings of the Ecumenical Council of the Puritan Church of the United States, held at the Masonic Hall, 32 West Randolph Street, Chicago, August 16, 1943, and in Chicago on February 5th, 1944; that Deacon William Ede presided; that the above is a true amended copy of one of the Resolutions unanimously passed at said meetings.

Harrison Parker.

"Subscribed and Sworn to this — day of January 1945. —— ——, Notary Public."

[fol. 18] EXHIBIT "B"

Founded in the year 1645, at Reading, Massachusetts, by Puritan refugees; incorporated by their lineal descendants

as

The Puritan Church—The Church of America

Office Of Its Chancellery At
LaGrange, Illinois
December 26, 1944.

"Hon. Francis Biddle,
Attorney General of the U.S.A.
Washington, D. C.

Dear Sir:

"I have been directed by the Ecumenical Council of the Puritan Church, to forward to our Federal Government their petition of their grievances. This, by its order, was held until after the recent national elections and the Christmas holidays.

"Robert R. McCormick, the editor of the Chicago Tribune and his crooked lawyer the eight times indicted Weymouth Kirkland, have introduced scoundrelism into journalism, hoodlumism into the practice of law, and gangsterism into the business life of Illinois. They have corrupted the entire system of Illinois, from ..... 's corrupt Municipal up to and including ..... 's crooked Supreme Court of Illinois:

"Neither life nor property nor reputation is any longer safe in Illinois. The 'scale' price of murder in Chicago has been reduced to $300.00. There is strict legal evidence that Weymouth Kirkland, a hoodlum, and Howard Ellis a [fol. 19] known writer of scurrilous anonymous letters, dressed up as the 'Tribune law firm' have been behind several attempted murder jobs in Chicago.

"These gentlemen by the corruption of the entire taxing machinery of Illinois, and the pollution of its Courts to allow their depravities, have made it possible for the Chicago Tribune a close private corporation, to steal from the defenseless State of Illinois, a sum of money which with penalty added, now amounts to the enormous sum of one hundred million dollars.

"Our Puritan mothers took their austere babies in their religious arms and fled Europe over the ocean, to bring up on American soil their little children to obey the laws of God; come what might come to them, come what might come to other men—to obey the laws of God at all times.

"Anarchy is the reverse of the law of God. According to the evidence in the possession of this Church, Robert R. McCormick and his Weymouth Kirkland are anarchists, destroying 'from within,' the government by law, set up with the blood of the direct sires of the present members of this Church, shed at Concord, at Bunker Hill and at Valley Forge.

"The local Grand Jury has been 'packed' by these unconscionable scoundrels, Robert R. McCormick and Weymouth Kirkland. Access to it has been sought and refused to men and women who have strict legal evidence of every allegation made in the enclosed petition of our grievances and repeated in part in this letter, and the legal right to appear with it before a Grand Jury.

[fol. 20] "We respectfully petition our federal government to convene in Chicago a special United States Grand Jury, in charge of a special prosecutor, in order that our complaints may have an orderly legal hearing such as is guaranteed to us, by the Constitution of the United States. We are,

Very truly yours, The Puritan Church, by Harrison Parker, Its Chancellor.

Founded in the year 1645, at Reading, Massachusetts, by Puritan refugees; incorporated by their lineal descendants

as

The Puritan Church—The Church of America

Office Of Its Chancellery At
LaGrange, Illinois

EXHIBIT "C"

"The Illinois League of Women Voters,

225 North Michigan Avenue, December 20, 1944.
Chicago, Illinois.

Dear Mesdames:

"This Church would like to work co-operatively and effectively with you, to amend the Constitution of Illinois. It can be rewritten, only if the fight necessary to accomplish it, be around the depravities which the millionaire stockholders of the Chicago Tribune have committed, under the present Constitution.

"There is in the possession of this Church, strict legal evidence, that by a violation of the Constitution of Illinois, for 66 consecutive years, the Chicago Tribune stole from the defenseless State of Illinois, a sum of money which with [fol. 21] interest and penalty added, now amounts to the approximate sum of 100 Million Dollars.

"In a vain attempt to hide this enormous steal, the Courts of Illinois, from ..... 's corrupt Municipal, up to and including ....., 's crooked Supreme Court, had to be either influenced, intimidated or bribed to ignore the Constitution of Illinois and defy the law passed by her legislature.

"One part of the stolen money was paid out by the Chicago Tribune to its multi-millionaire stockholders, as monthly cash dividends at the rate of 500% per month on their invested capital of $200,000; the other part was used to acquire a 'Canadian Empire' which is now appraised at 50 Million Dollars.

"The corporate surplus of the Chicago Tribune is over 100 Million Dollars; every cent of this would be used by the Chicago Tribune, if necessary to defeat any change in the present Constitution, which has permitted it with the connivance of crooked Judges, to steal the money it now has. All this evidence is available either to your lawyers, or to you in open meeting to which the Chicago Tribune should be invited to attend.

"The 20 odd Chicago Tribune stockholders do not want an income tax in Illinois; therefore, their privately owned newspaper will oppose you, and defeat you, unless you determine that the interests of the State are above the

interests of the multi-millionaire stockholders of the Tribune. By hypocritically concealing its private interest behind a plea of a public interest, the tax thieves who have had the control of the Chicago Tribune, for three gen- [fol. 22] erations have defeated every attempt made by the decent persons of Illinois, to re-write its antiquated Constitution.

"The seemingly public spirited editorial printed in today's Chicago Tribune, is a sample of the dastardly and cowardly influence which you and all other decent citizens must fight, if Illinois is to be rescued from its jungle state.

"Under the specious plea, that it is protecting the interests of the 'boys at the front,' the Tribune cunningly says, the Constitution must not be amended in their absence. Yet the records of Illinois show that while the 'boys' were at the 'front' in 1918, the Chicago Tribune stole from the State of Illinois, 12 Million Dollars, which it transferred to its stockholders as cash dividends. While 'our boys' are at the 'front' now, the Chicago Tribune with the connivance of the Kelly-Nash Machine which it keeps in power, has stolen another approximate three million dollars.

"A fight to re-write the Constitution will again end in naught. But a fight on the Constitution violations of the multi-millionaire Chicago Tribune, will as a 'cushion spot,' cause a public indignation which will result in the re-writing of the Illinois Constitution. Your organization having undertaken the task which it has, will lose its influence, unless it accomplish what it has undertaken.

"We trust that you will send your counsel to view the evidence to which we have referred to in this letter. If it be what we assert it is, we hope also that you either work co-operatively and effectively with us, or you permit us to [fol. 23] work co-operatively and effectively with you.

Very truly yours,

The Puritan Church

By: Harrison Parker,

Its Chancellor."

EXHIBIT "D"

Founded in the year 1645, at Reading, Massachusetts, by Puritan refugees; incorporated by their lineal descendants

as

The Puritan Church—The Church of America

Office Of Its Chancellery At
LaGrange, Illinois

"The Anti-Defamation League,
B'Nai B'Rith,
100 No. LaSalle St.,
Chicago 2, Illinois.

Gentlemen:

"The Puritans of the U.S.A., organized into their Puritan Church, would like to work co-operatively with the Jews of the U.S.A., organized into their Anti-Defamation League, to protect the institutions of the existing form of government, which if allowed to function naturally and without any change, would automatically protect Jew, Catholic, Protestant, Puritan, the laboring man, the Capitalists as well as all other groups.

"Under this form of government of the U.S.A. as it exists, all could and should be Americans. There should not be groups of C.I.O.'s, Manufacturers, Jews, Catholics, Protestants, Puritans, etc., which are being formed all over [fol. 24] the country, at an alarming rate. The very fact that such organizations are being organized and growing so rapidly, shows that there is a general feeling that the government is no longer 'a government of all the people, by all the people, for all the people,' as it was originally described by a Puritan, Theodore Parker, and repeated by Lincoln.

"The Puritan Mother grimly took her austere baby in her religious arms, and fled Europe over the ocean to bring up in a log cabin on American soil, her little child to obey God—come what might come to him, come what might to other men—to obey God at all times.

"To do that first, and all else as incidental to that, the direct sires of the present members of this Church, set up the existing form of government, with their blood shed at

Concord, at Bunker Hill, and at Valley Forge, fighting with guns along with Washington.

"The Puritan idea of government thus set up, is founded in human nature, and comes from the nature of God, who made human nature. To carry it out politically is to execute Justice, which is the will of God. This idea, in its realization leads to a democracy, a government of all, by all, for all.

"To enjoy the shelter and the prosperity which naturally flows from such a government, the Puritans invited the Jews, the Catholics, and all other decent men and women throughout the world, to come to America and partake here of the blessings which God always sends along with His shelter and His prosperity. And, they came by the millions, and working along with the Puritans, they made [fol. 25] the U.S.A. the most powerful nation of the whole world, and the envy of the tyrants whose shores the Jews and the Catholics and all other groups deserted to become Americans.

"Now, under the name of liberalism, with specious promises of securities which are impossible under a government operating under the orderly laws of God, some scoundrels, some agitators, some self-styled editors, some wolves in sheep's clothing, some men insane from indulgence in the rich food and the luxury which always flow from an orderly government, are attempting with cockeyed ideas on government, to destroy the form of government set up by the Puritans.

"These, and their ideas the descendants of the original Puritans in the Tenth Generation born on American soil, and still members of this Church, will oppose even if it be necessary to spill more blood on American soil.

"The law abiding, peace loving Jews have as much of a stake in maintaining the existing form of government in the U.S.A. as the Puritans have. Therefore, this Church is writing this letter to you, to invite you to work co-operatively and effectively with it, for our mutual self-protection and for the mutual protection of our children and our homes.

"In our previous letter to you, we stated that this Church had indisputable evidence that the Chicago Tribune, by a violation of the Constitution of Illinois, by a defiance of the law passed by her legislature, and by the corruption of the

entire Court system of Illinois, from ..... 's corrupt Municipal up to and including ..... 's [fol. 26] crooked Supreme Court of Illinois, had stolen from the defenseless State of Illinois, a sum of money, which with penalty and interest added, now acounts to the approximate sum of 100 Million Dollars.

"That one part of the stolen money had been checked out by the Tribune Company to its greedy multi-millionaire stockholders as cash dividends, at the rate of 500% per month, on an invested capital of $200,000; and the other part had been invested in a 'Canadian Empire' that is now appraised at 50 Million Dollars cash.

"That the steal was accomplished by the open notorious, cowardly and illegal connivance between the Tribune Company the owners of the Chicago Tribune, and two Jews: one ....., a Judge of the Circuit Court of Cook County; and the other Jacob Shamberg, the Assistant State's Attorney of Cook County.

"That both of these gentlemen had been paid a large salary by the State, to protect the State, and both according to the evidence in our safe deposit vault, had in order to gain the favor of the thief, the Chicago Tribune, criminally sold out the State which they had been paid to protect.

"That this Church intended to compel the Chicago Tribune to disgorge every cent of the stolen money, and drive both ..... and Jacob Shamberg off the public pay-roll, and into the obscurity that both had merited by their venal conduct in State affairs.

"That strict legal evidence of the disgraceful conduct of both these gentlemen now in the possession of this Church, was open to your lawyers.

[fol. 27] "That if the evidence in the opinion of your lawyers were not perfect, this Church would proceed no further; that if it were perfect, this Church desired the Anti-Defamation League to stand by its side in the fight it intends to make on all concerned, in this outrage on our government, if for no other reason than to prevent the fight on these men being called a fight against Semitism.

"Your answer to that letter addressed to the Anti-Defamation League is here quoted:

> "'I have referred this matter to our Director, Mr. Gutstadt, who desires that I advise you that this does

not fall within the purview of the Anti-Defamation activities, and we therefor will be unable to be of service to you.

Very truly yours,

Stanley S. Jacobs.'

"Notwithstanding this curt personal answer of the individual and unknown Mr. Jacobs to an important letter addressed to your League by this Church, the Puritan Church still desires to work co-operatively and effectively with the Jews, to protect the existing form of government for them as well as for the Puritans, and all other law-abiding and peace loving groups.

"The theft of a 100 Million Dollars from the State, by the Chicago Tribune, is a small matter compared with the pollution of the Courts of Illinois, which Robert R. McCormick, the Editor of the Chicago Tribune, personally ordered in a vain attempt to hide the enormous steal.

"The Courts under the form of government set up by the Puritans, are the last bulwark of our Liberties. When [fol. 28] they can be corrupted as the record shows they have been, by the named men, neither Jew, Catholic, Protestant, nor Puritan is any longer safe: life and reputation are in danger, and property is not worth the efforts to accumulate it; all are held at the sufferance of the scoundrel who can and will corrupt the crooked Courts.

"It is the opinion of our Trustees, that in our previous letter, we did not adequately describe the evidence in the possession of this Church, which it intends to use in a national fight against the corruption existing in the Courts, whether the organized Jews fight side by side with; or whether they fight against it. Here is the complaint of the Puritan Church.

"The public records of Illinois shows that for 66 consecutive years, the Chicago Tribune violated the Constitution, defied the law passed by her legislature, and corrupted the public officials and the Courts to aid it in its enormous steals.

"When the evidence of its crimes were discovered and presented to Jacob Shamberg, the Assistant State's Attorney, responsible for the prosecution of such crimes, he refused to act. With the identical facts and identical law, he proceeded against the Pioneer Tailoring Company,

which had committed against the State of Illinois, the same crime which the Chicago Tribune had. From the Pioneer Tailoring Company he recovered for the defrauded State of Illinois, every cent of the stolen money; there was less than $20,000 involved in the steal, while there was 100 Million Dollars involved in a like steal by the Chicago Tribune.

[fol. 29] "When Shamberg refused to act against the politically powerful thief, the Chicago Tribune, a taxpayer filed a lawsuit to compel it to disgorge its loot. Then Shamberg joined the Tribune lawyers in attacking and slandering the brave citizen. And he made before the Courts obviously crooked motions aimed to illegally defeat the State and aid the Chicago Tribune to cover its steal.

"One of these crooked motions was made by Shamberg before Judge ..... before referred to in Case 38-C-3209.

"The illegal order issued by ..... in that case, at the request of Shamberg, to swindle the State which paid both ..... and Shamberg to defend it, was more crooked than any ever issued by Judge Manton of Atlanta Prison.

"This Church has a certified copy of Shamberg's crooked Motion and ..... crooked order; no Court of final jurisdiction has ever upheld a single one of Shamberg's crooked Motions, or .....'s crooked order: these will be submitted to your lawyers. If they do not agree in what we say about them, this Church will proceed no further in this matter. If they do agree, the Anti-Defamation, as well as every other League of good citizens, should be fighting with the Puritans.

"This order of the faithless ..... in this litigation, appealed to the Supreme Court of Illinois, was so crooked that the entire Supreme Court of Illinois had to be either influenced, intimidated or bribed by the Chicago Tribune, to write a crooked opinion in case 24881, reported in 370 Illinois Supreme, at page 243, in a vain attempt to cover ..... judicial depravity; it is so crooked [fol. 30] that even a corrupted Supreme Court cannot cover it, even with adroit language; it could not end the litigation as it was corrupted to do; a cause of action still remains.

"If your lawyers will read this record and report after examining it, that it is not as vile as we have carefully de-

scribed it, this Church will proceed no further against either ..... or Shamberg. If your lawyers do report that it is as vile as we have described it, then the Anti-Defamation League cannot afford not to co-operate with the Puritan Church in its determination to clean up the crooked Court. Such Courts are as much a menace to the Jews as they are to the Puritans; a crooked Jew Judge is as dangerous a foe to law and order and humanity as a crooked Puritan, a crooked Protestant, or a crooked Catholic Judge.

"Yes, the public records show that Robert R. McCormick, the Editor of the Chicago Tribune, is an all around scoundrel; he and his family under the constant plea of more 'freedom for the press,' have stolen from the State which protected them, more money than was stolen by the Tweed Gang of New York, the Pendergast Gang of Kansas City and the Kelly Gang of Chicago. The Medill-McCormick Patterson fortune is the filthiest fortune ever accumulated in the U.S.A. according to the public records.

"Yes, the Chicago Tribune is a powerfully entrenched privately owned and corrupt newspaper.

"Yes, the Chicago Tribune has on hand a surplus of more than 100 Million Dollars stolen from the State of Illinois, which it does not hesitate to use to destroy men who are [fol. 31] brave enough to call it from Court records, a menace to our form of government, and Robert R. McCormick who has the stock control of it, a thief, a liar, and a court fixer.

"Yes, Robert R. McCormick has been the employer and business associate of hired assassins, like Mossy Enright, Jake Lingle, Jack Gentleman, Philadelphia Jack Barry and other Gangsters and Murderers.

"Yes, Robert R. McCormick employs as his General Counsel the 8 times indicted Weymouth Kirkland, who has also been the General Counsel for Moe Annenberg and other thieves, law-breakers and thugs; he is not allowed to practice law in the Courts of New York State. In the Appellate Court, in File 39804, there is proof that this Kirkland is a common hoodlum dressed up as a lawyer.

"Yes, Robert R. McCormick employs as the Managing Editor of the Chicago Tribune, the self-confessed 'news faker,' J. Loy Mahney; no government, no man, no property is safe with a news faker in charge of the news department of a daily newspaper.

"Yes, Robert R. McCormick introduced scoundrelism into journalism; hoodlumism into the practice of law and gangsterism into the business life of Illinois.

"Yes, in Chicago now dominated in all departments of its government by men personally selected by Robert R. McCormick, and bally-hooed into office by the dishonest praise of his corrupt Chicago Tribune, the 'scale' price of murder is $300. Any Jew, any Puritan, at any time, can be murdered on the Streets of Chicago, and the murderer will go unpunished for $300. This Church posssesses [fol. 32] the evidence of the 'scale' price, and it has strict legal evidence, that since the 'scale' price of murder was now dropped within the reach of all, the Tribune law firm founded by Robert R. McCormick, has tried several little 'murder jobs,' and has 'railroaded' at least one innocent man to Joliet Prison, where he was held for 8½ long years, and at least one innocent man to the Cook County Jail where he was held until the cowardly and unscrupulous Weymouth Kirkland uninvited, personally called at the Jail and there released the outraged man, as easily as he had been locked there by the Tribune law firm, in a vain attempt to blackmail him to dismiss an orderly legal lawsuit, which he had courageously filed against the black mailing, law breaking Constitution violating Chicago Tribune.

"With these facts before them, and a proffer of strict legal evidence to substantiate each and every allegation carefully made in this letter, we do not know what the Anti-Defamation League of the B'Nai B'Rith is going to do. But, we know what the Puritan Church is going to do. It is going to fight to restore and maintain in the U.S.A. the orderly law of God, as it is expressed in the Declaration of Independence, in the Constitution of the U. S. A. and the hearts of all decent men and women. And it is going to ask every man and woman in Illinois, with either property, children, or any other stake in the preservation of orderly peaceful government, to uphold it in spirit, if not with money, as the Anti-Defamation League is upheld by the money contributions of the Jews, to end the anarchy that now exists in Illinois, with Judge .....
[fol. 33] on the Circuit Court of Cook County, and Jacob Shamberg as the Assistant State's Attorney of Cook County.

"If the 'activities' of the Anti-Defamation League are confirmed, as Mr. Jacobs intimates in his curt letter, to

merely protecting the Jews, even when they are engaged in destroying 'from within', the institutions of government which should protect all of us, it is time to widen its 'activities' to protect the government which would automatically protect the Jews, if the Jews would join the Americans and compel it to function as it is outlined in the Declaration of Independence, in the Constitution of the U.S.A. and in the hearts of all decent men and women. We are,

Very truly yours,
The Puritan Church
By: .....
Harrison Parker, its Chancellor."

EXHIBIT "E"

Founded in the year 1645, at Reading, Massachusetts, incorporated by their lineal descendants as

The Puritan Church—The Church of America

Office Of Its Chancellery At
LaGrange, Illinois

"Dear Mr. Richardson: December 25, 1944.

"A very rich man of New York City has set up in New York City a trust fund, the proceeds of which are to be used to promote the activities of the Puritan Church. [fol. 34] Inasmuch as the Puritan Church has no debts and all its contemplated activities are adequately financed, I am turning the first check from that fund, over to you, with the recommendation that you take it to Knight and Wilson, the agents for the building where we have our Chancellery, and ask them to accept it as advance payment for several months rent. This is merely a suggestion. As I recall it you signed the Lease.

Sincerely,
Harrison Parker."

MOTION—January 8, 1945

"Now comes the defendant, Jacob Shamberg, by Kirkland, Fleming, Green, Martin & Ellis, his attorneys, and moves the Court for an order finding the plaintiff Harrison

Parker, guilty of direct contempt of Court for filing in the Office of the Clerk of the Circuit Court of Cook County, on January 4, 1945, a certain affidavit containing as a part thereof certain false, malicious, scurrilous and defamatory exhibits purporting to be certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16, 1943, and amended at the adjourned meeting held in Chicago on February 5, 1944.' And also a purported copy of a letter on the letterhead of the so-called 'The Puritan Church of America,' addressed to 'The Anti-[fol. 35] Defamation League, B'Nai B'Rrith, 100 N. LaSalle Street, Chicago, Illinois,' and purporting to be signed by 'The Puritan Church, by Harrison Parker, its Chancellor' and another certain purported copy of a letter on the letterhead of the 'Puritan Church—The Church of America,' addressed to the 'Honorable Francis Biddle, Attorney General of the United States, Washington, D. C.' under date of December 26, 1944, and purporting to be signed 'The Puritan Church, by Harrison Parker, its Chancellor,' in obstruction of justice and in abuse of the processes of the Circuit Court of Cook County and in manifest pursuance of a scheme to insult, defame, scandalize and blackmail the persons, firms and corporations mentioned in said scurrilous affidavit and exhibits thereto all in disrespect of and in derogation of the authority and dignity of the Circuit Court of Cook County;

"And defendant further moves the Court that said Harrison Parker be punished for said direct contempt of court, and that a mittimus issue forthwith.

"Kirkland Fleming Green Martin & Ellis."

I.

Abstract. (Page 1)

He denies that he is guilty of direct contempt for filing in the Office of the Clerk of the Circuit Court of Cook County a certain affidavit,

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in obstruction of Justice, and in the abuse of the processes of the Circuit Court of Cook County, and in manifest pur- [fol. 36] suance of a scheme to insult, defame, scandalize and blackmail the persons, firms, and corporations mentioned in said Affidavit and Exhibits thereto. And, he denies that any of those instruments filed were in obstruction of justice and makes his answer in opposing the motion of the defendant to have him punished for direct contempt of Court, and a mittimus issue forthwith; that each, every and all of the Exhibits attached to the Affidavit were and are a part of the records and/or communications of the Puritan Church as an organized and existing religious corporation protected by the laws of the State of Illinois and the Constitution of the United States; that each and all of said records and communications are properly chargeable to, and the responsibility of said religious corporation

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and he acted in his official capacity as an officer of said religious corporation, and not as an individual, in complying with the order entered against him, which has brought on this contempt proceeding; that the orders requiring him or other parties to bring in any matters pertaining to, or having to do with the Puritan Church, is in contravention of those rights guaranteed to him and them, by the Constitution of the United States guaranteeing freedom of religious worship; that orally and in writing, he had apprised the Court of its illegal conduct and the illegal conduct that it had permitted and sanctioned on the part of the defendant and his counsel; that notwithstanding, the Court illegally and unconstitutionally permitted the defendant repeatedly to violate the constitutional guarantees, and enter [fol. 37] illegal orders requiring Parker to bring into

Court and divulge those things and matters which the Constitution forbids being done by a litigant, by the Court, or both; that all the writings submitted in his Affidavit dated January 8th, were exact copies

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of writings that are properly part and parcel of the Records of the Puritan Church; that if such be true, then the obstruction of justice and the abuse of the civil processes of the Circuit Court were occasioned and brought about by the acts of the defendant; that the defendant for a long time was well aware of most of the contents of the documents that would be filed in carrying out the order of the Court; that the counsel for the defendant had been furnished with finished partial copies of most of said documents, and they knew that those said writings would be filed in this matter, in the event that such an order was prayed for by the defendant; that if there be any insult, defamation, scandal and blackmail, it is on the part of the defendant and his counsel who over a period of years preceding this, have indulged in a vile, vicious, illegal and criminal conspiracy

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to insult, defame, scandalize and blackmail him; that all the contents of said letters, documents and papers are true; that the defendant could refute them in a proper legal proceeding, but not in this one wherein the object of the defendant is to do by indirection that which he has not seen fit to do by direction; that the Affidavit is a truthful and honest recitation of certain facts which have been com- [fol. 38] mitted by those persons referred to and described in said Affidavit and Exhibits; that the acts and doings of the persons described in said Affidavit may be scurrilous and defamatory; he denies that the Affidavit by truthfully reciting said acts and facts is scurrilous and defamatory; that he intended no disrespect of said Court in filing the Affidavit; that the disrespect for the Court was by the defendant, by an attempt to entrap him, into what the defendant now calls 'direct contempt of Court':

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that the defendant now complains of an act done in following the order of this Court directed to him and entered at

the behest of the defendant who all the time was knowingly attempting to entrap him; that he intended no contempt of this Court, but on the contrary, by the order of the Court, entered on the motion of the defendant, has followed strictly the ruling of this Court, and has filed a truthful, honest, affidavit in answer thereto:

"That he had been paid a salary of $25,000 a year as the Business Manager of the Chicago Tribune; that while there, he was told to deliver $150,000 in Bonds of the Japanese Imperial Government, to a certain partnership of lawyers located on Clark Street, to be used, to induce the Supreme Court of Illinois, to write an opinion favorable to the Chicago Tribune in the matter of its lease of real estate owned by the Chicago Board of Education;

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that he refused to deliver said Bonds or to have anything to do with said illegal transaction; that he then and there resigned his said position and said salary that went with it; [fol. 39] that following his resignation he was asked by Mrs. Medill McCormick to act as a companion and entertain Medill McCormick, the brother of Robert R. McCormick, pending the arrival in the U.S.A. from Europe, of Dr. Jung; that Doctors Worthy and Patrick, alienists of Chicago, had previously declared said Medill McCormick to be

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incurably insane; that he went with said Medill McCormick to Chattanooga, Tennessee, where said Medill McCormick, his wife, Dr. Jung on his arrival, and he lived at the Patton Hotel; that Dr. Jung had told him, there, that there was a stain of insanity in the McCormick family: that in 1914 Medill McCormick called upon him, while he was the Publisher of the Chicago American, and said:

> 'My brother is in a jam with another man, over the man's wife; a certain Judge in Chicago, has agreed to drag the husband into his Court room and there compel him to release his wife to my brother, if all the newspapers in Chicago, will suppress all the news of what happens there:'

that he told said McCormick, that he was a 'hired man'; that said McCormick's appeal was to Mr. William Randolph

Hearst, who owned the newspaper; that said Medill McCormick told him he would 'rue the day' when he refused this request and vowed eternal hatred of the McCormick family and the Chicago Tribune against him;

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that later he was asked by William H. Field, the Vice President of the Tribune Company, to appeal the matter by [fol. 40] telephone, to Mr. William Randolph Hearst, at his Ranch in San Simeon, California; this he did and secured from Mr. Hearst the instructions to omit from the news columns of the Chicago American, all reference to the matter of Robert R. McCormick *vs.* Edward Adams, Bankrupt, number 22619, dated September 26, 1914, in the Federal Court of Chicago, and Edward S. Adams *vs.* Robert R. McCormick, in case 310206, dated August 5, 1914, in the Superior Court of Cook County.

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"That on August 25, 1932, he commenced an action at law against the Tribune Company for libel; that thereafter, Weymouth Kirkland, in the office of said Kirkland, told him that Robert R. McCormick could not allow the Courts of Illinois, to assess any damages against newspapers; that in conformity with said policy, said McCormick had hired him, (Kirkland), to 'fix' the Appellate Court of Chicago, to reverse and set at naught a verdict of $75,000 which a jury had awarded to William Fenimore Cooper, in the case of William Fenimore Cooper *vs.* The Illinois Printing and Publishing Company—('The Chicago Examiner'); that he, (Kirkland), upon specific instructions from Robert R. McCormick in the future, would be compelled to fix all Judges and Juries to set at naught all damage claims which he (Parker), might have against the Chicago Tribune; that Kirkland then and there, advised him as a friend, 'to run along' and 'not mix it' with said Robert R. McCormick in the Courts; that he examined in the Appellate Court, the record there, in William Fenimore Cooper *vs.* Illinois Printing and Publishing Company case, and there found [fol. 41] that Kirkland had spoken the truth when he told him that the Appellate Court had been fixed to set aside the award of the Jury; that Kirkland had stated the truth

when he said that McCormick would stop at nothing to pervert Judges and Juries and prevent justice being done:

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"That he decided that neither as a man nor as a citizen would he, or could he 'run along' and not 'mix it' with said Robert R. McCormick:

"That thereafter Howard Ellis of said Kirkland's law firm, in the Kirkland's law office, said to him: 'If you do not dismiss that libel suit against the Tribune, at your own cost, the Tribune is going to get rough with you': that

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Robert R. McCormick had employed on the Tribune's Staff, police characters, ex-convicts and murderers, like Mossy Enright and Jack Gentleman; that he well knew that to proceed with his libel suit against the said Tribune Company, was to run the risk of either having said Tribune Company either harm him physically, or assassinate his reputation in the columns of said newspaper; yet he believed it to be his duty as a man and a citizen, to fight such brazen corruption, rather than to yield to it and encourage the debauchery of the institutions of government;

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that at the time of said threat by Ellis, he was a party defendant in some civil litigation in the Appellate Court of Illinois, entitled Mae Quinliven *vs.* North American [fol. 42] Trust Company, numbered 36295; that shortly after the meeting with Ellis, Judge ..... handed down in said litigation, an opinion under which he had either to pay to said Mae Quinliven $7,000, or be liable to be confined in the debtor's cell of the Cook County Jail for six months; that the Court Record showed that he had never seen Mae Quinliven until he met her in Court, and he had never transacted any business with her directly, or indirectly; that he did not owe her any money; that he entered the debtor's cell of the Cook County Jail; that the following day he read in the Chicago Tribune, a sensational article about his confinement there; that it dawned upon him there, the import of Ellis' threat;

"That Ellis then sent word to him in the Jail, that he

(Ellis), and some friends would pay the said $7,000 to said Mae Quinliven, if he would promise in return therefor, to dismiss his libel suit, still pending against the said Tribune;

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that he answered Ellis by stating that 'he preferred the Jail:'

"That shortly after he had refused Ellis' offer, and while he was still in the Debtor's cell at the Cook County Jail, Warden Moneypenny informed him, that a man armed with a knife had been found in his cell and that the armed man had been placed there by the Tribune law firm of Kirkland, Fleming, Green & Martin, to kill him in said jail; that four months later, another attempt upon his life was made, while he was still in said County Jail; that two of his cellmates had almost died of eating cake which [fol. 43] contained arsenic and which had previously been offered to him; that from the Jail he wrote a letter to Robert R. McCormick, in which he charged that McCormick through his lawyers, had tried twice to murder him and thus dispose of him, as well as the still pending libel lawsuit;

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that the next day unsolicited by him, Weymouth Kirkland appeared in person at the Cook County Jail, and there, released and freed him, without any further effort or act upon his part:

"That the Constitution of Illinois provides:

> 'Every person and corporation shall pay a tax in proportion to his, her or its property;'

the general assembly of Illinois has determined that the capital stock tax of domestic corporations shall be paid by the corporation and nof by the holder of it; that taxable property that has been omitted when discovered, must be listed and assessed by taxing officials.

"That in the summer of 1935, he presented to Jacob Shamberg, an Assistant State's Attorney of Cook County, and the defendant herein, evidence that certain personal property owned, possessed and controlled by the Tribune Company of enormous value, had for 66 years

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been omitted from the tax rolls of Cook County; that upon the receipt of such evidence, it became the duty of said Shamberg to immediately institute legal proceedings to collect from said Tribune Company, the money due to Cook County for taxes, on the property not listed on its books, and not on the tax rolls of Cook County, according to the presented evidence; instead of doing his sworn duty, [fol. 44] said Shamberg refused to act against said Tribune Company;

"That as a taxpayer, he filed a complaint before the Board of Tax Appeals, to compel the listing and assessing of the omitted taxable property of said Tribune Company that was set forth under oath;

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In the trial before the Board of Tax Appeals, Weymouth Kirkland, instead of answering the sworn complaint then before that body, said of him, to the Board of Appeals and those persons there assembled:

> 'You rat . . . you dirty rat . . . you blackmailer . . . you contemptible blackmailer . . . you ought to be taken for a ride:'

that immediately thereafter, he started in the Superior Court of Cook County, a suit against said Kirkland for slander; that Judge ..... dismissed the lawsuit upon the motion of said Kirkland; his decision was appealed to the Appellate Court of Chicago; there, the lawsuit was also dismissed by an opinion written by Judge ..... who in order to dismiss it there, had to set aside in a long opinion, what had heretofore been the established American rule of law, and the law of Illinois, and substitute therefor, the English Rule which had never been the law of Illinois; and although Kirkland had not uttered the objectionable words in a Court, Judge ..... ruled that the Board of Tax Appeals of Cook County is a quasi-judicial body, in order to sustain Judge Sabath's decision;

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"That he then started a mandamus lawsuit to compel the taxing officials to list and assess the taxable property [fol. 45] of said Tribune Company that had been omitted from the tax rolls; that the Supreme Court of Illinois decided in 367 Ill. 559, 569, that owners are not necessary or proper parties to a mandamus lawsuit; notwithstanding this clear ruling, Judge ..... of the Circuit Court of Cook County, upon the motion of said Kirkland's law firm, admitted the Tribune Company as a party defendant in a new mandamus lawsuit that had been started to list and assess the taxable property of said Tribune Company that had been omitted from the rolls;

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Then this lawsuit upon the motion of said Shamberg was dismissed by Judge Joseph Burke.

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"That the formation for a fourth mandamus lawsuit to compel the listing and the assessing of the taxable property of said Tribune omitted from the tax rolls, has been laid; that he is preparing to proceed; that no Court of final jurisdiction has sustained any of the objections of said Shamberg and Kirkland.

"That thereafter, his libel suit against the Tribune was tried; that two days were consumed, with direct examination; that three months occupied in cross and introducing 200,000 pages of testimony and exhibits; that the Jury deliberated for less than an hour and returned a not guilty verdict, as Kirkland had promised would happen, three years before, when Kirkland told him why he would never win, either against Robert R. McCormick or his said Tribune Company:

"That he had been advised by a lawyer, that it was his duty as a man, a citizen and a taxpayer, to write the facts [fol. 46] about the tax on the omitted taxable property of said Tribune Company, to the Cook County Grand Jury; this he did; for writing a letter to the Grand Jury,' he was cited for contempt of Court by one John W. Norkett,

a Private Detective employed by the said Tribune Company and its law firm;

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the exact charge in Information A40, signed by said Norkett was 'writing a letter to the Grand Jury;' by his (Parker's) answer it was proved that it was not contempt of Court to write a letter to a Grand Jury; so Judge . . . . . found him guilty of 'obstructing justice' and sentenced him to 10 days in the Cook County Jail; this, he appealed to the Supreme Court of Illinois, in case 25595; there, he proved to the Supreme Court that writing a letter to a Grand Jury was not obstructing justice; so that the Supreme Court of Illinois based its decision on an entirely new charge 'writing letters to a grand jury which had a tendency to obstruct justice;' for this he must serve 10 days in the Cook Jail; (Reports of the Supreme Court of Illinois, Vol. 374, page 524); that he could not appeal this to the United States Supreme Court, because he had not raised the question of his rights in his first answer; therefore he went to the Cook County Jail for 10 days.

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"That Weymouth Kirkland, lawyer for Robert R. McCormick, has boasted that all the Courts of Illinois can be 'fixed' in matters in which Robert R. McCormick has a money interest.

(Page 23)

"That it is of little importance to the State of Illinois, or to the United States if he is confined in jail for six [fol. 47] months, as has been suggested to the Court herein, by the Tribune lawyers, Kirkland, Fleming, Green, Martin and Ellis, who represent Shamberg; but it is of the utmost importance to the State of Illinois, and to the United States, and to the People of both, that said Robert R. McCormick, said Kirkland and their agents and employees be now and forever prevented from continuing their own calculated scheme of insult, defamation, scandalizing, blackmail, terror,

(Page 24)

bribery, murder, theft, perjury, fraud, libel, corruption, anonymous letter writing and forgery, commenced in 1911, when said McCormick became President of said Tribune

Company, and said Kirkland became counsel for said McCormick and said Tribune Company; that during the 34 years in which this scheme to make money has been in operation, said Tribune Company, said McCormick and said Kirkland, have been able to gain their too-frequently illegal ends by terrorizing those who oppose them; that over this long period said Tribune Company, said Kirkland and their hirelings have shown not only their contempt for all other citizens of this State, but for the State of Illinois, and the United States of America; that their scheming campaigns have resulted in the debauchery of many public officials in the State of Illinois, and unless stopped will result in the complete destruction of the government of the State of Illinois.

(Page 25)

"That certain rights guaranteed to him by the Constitution of the U.S.A. and the Constitution of the State of [fol. 48] Illinois, have been violated; that he has been deprived of the free exercise of religion and the right to petition his government for a redress of certain provisions of the First Amendment to the Constitution.

(Page 25)

Harrison Parker

* * * * * * *

Duly sworn to by Harrison Parker, jurat omitted in printing.

(Attached to this Answer was the Affidavit set forth on Page 6, hereof; the Resolution of the Ecumenical Council set forth on Page 7, hereof; the Biddle letter set forth on Page 16, hereof; the Illinois Woman's Voters League letter set forth on page 18, hereof; the letter to the Anti-Defamation League on Page 21, hereof, and the letter to Dr. Agnes Richardson set forth on Page 31, hereof, and the tax statement on Pages 46-50, hereof.)

The statements here appearing, both for the year 1923, are typical for each of the other 66 consecutive years of flagrant tax evasion by the Tribune Company, com-[fol. 49] plained of to the Supreme Court of Illinois in People ex rel. Park *vs.* Whealan, 370 Ill. 243.

That on page 47, hereof, for 1923, appears in the public records of the Assessor of Cook County, Illinois. Its

accuracy has been sworn to by L. A. Hodson, an attorney for the Tribune Company.

That on page 49, hereof, also for 1923, appears in the public records of the Clerk of the Supreme Court, at Springfield, Illinois. Its accuracy has been certified by a Commissioner of the Supreme Court of Illinois who examined the books of the Tribune Company in connection with litigation between Tribune stockholders: Lloyd *vs.* Lloyd, 341 Ill. 461.

Both statements as they here appear, were in the record and within purview of Justice ..... then Chief Justice of the Supreme Court of Illinois, when he so peremptorily dismissed this important litigation brought by the State of Illinois, involving such important rights, principles, and property of the citizenry, as well as the constitutional rights of a sovereign state, without any heed to the issues set forth.

The Tribune Company dared not go to trial, as Justice ..... well knew. And by this maneuver, he deprived the State of a trial, thus foreclosing his state from simple justice. To insure the Tribune's escape from its vulnerable position, occasioned by its long-continued defrauding of its own state, he made short shrift of this most important litigation with an opinion of 35 lines.

[fol. 50] Year .....
Town .....

1923

1. Horses .....
2. Cattle .....
3. Mules & Asses .....
4. Sheep .....
5. Hogs .....
6. Steam Engines .....
7. Safes .....
8. Billiard Tables .....
9. Carriages & Wagons .....
10. Watches & Clocks .....
11. Autos .....
12. Piano Fortes .....
13. Melodeons & Organs .....
14. Franchises .....
15. Annuities & Royalties .....
16. Patent Rights .....

17. Steamboats, Vessels, etc.	.....
18. Merchandise	.....
19. Material & Mfg. Articles	.....
20. Manufacturer's Tools, Implements & Machinery	.....
21. Agricultural Tools, Implements & Machinery	.....
22. Gold or Silver Plate	.....
23. Diamonds and Jewelry	.....
24. Moneys of Bank, etc.	.....
25. Credits of Bank, etc.	.....
26. Moneys of other than Bank, etc.	.....
27. Credits of other than Bank, etc.	.....
28. Bonds or Stocks	.....
[fol. 51] 29. Shares of Stock of Companies not incorporated by laws of this State	.....
30. Property of Pawnbroker	.....
31. Property of Companies and Corporations other than property hereinbefore enumerated	50,000
32. Bridge Property	.....
33. Property of Saloons and Eating-houses	.....
34. Household or Office Furniture	.....
35. Investment in Real Estate	.....
36. All Other Property	1,051,000
Total Full Value	1,101,000
Total Assessed Value	550,500
Corrected by Board of Review	550,500

The Tribune Company

Condensed Balance Sheets and Statement of Net Profits From Operations and Dividends Paid

(From Lloyd *vs.* Lloyd, 341 Ill. 461)

Assets as of December 31, 1923

Leasehold	$ 203,097.82
Building	1,892,817.47
Plant, Machinery & Equipment	3,010,546.25
Investments	3,404,322.84
Chicago Building Co. Stock	2,911,900.00
Working Assets	1,407,227.95
Current Assets	3,068,762.84
Real Estate, excluding Tribune Building	260,120.64
Total Assets	$16,158,795.81

Liabilities

Capital Stock	$ 200,000.00
[fol. 52] Surplus	9,831,705.96
Current Liabilities	2,199,469.95
Service Liabilities	101,758.95
Reserve for Doubtful Accounts	328,912.20
" " Taxes	727,938.97
" " Dep. Tribune Bldg.	425,877.61
" " Leasehold	54,375.95
" " Machinery & Equip't	1,442,259.82
" " Real Estate except Tribune Building	19,136.40
Miscellaneous Reserves	827,360.00
Total Liabilities	$16,158,795.81
*Net profits for the year	$ 4,365,047.40
Dividends	3,300,000.00

*From operations before payment of dividends.

ORDER

Order of Judge Daniel P. Trude, dated January 15, 1945, committing Harrison Parker to the Cook County Jail for 90 days:

"This cause coming on this day to be heard on the written motion of the defendant, Jacob Shamberg, for an order finding the plaintiff, Harrison Parker, guilty of direct contempt of Court by reason of his having filed in the office of the Clerk of the Circuit Court of Cook County, on January 4, 1945, and again on January 15, 1945, certain Affidavits containing as a part thereof certain false, malicious, scurrilous and defamatory exhibits purporting to be in obstruction of justice and in abuse of the processes of the Circuit Court of Cook County and in manifest pursuance of a scheme to insult, defame, scandalize the per- [fol. 53] sons, firms and corporations mentioned in said scurrilous affidavit and exhibits thereto; all in disrespect of and in derogation of the authority and dignity of the Circuit Court of Cook County;

"The Court Finds:

"1. It has jurisdiction of the parties and of the subject matter hereof;

"2. That on January 4, 1945, and again on January 15, 1945, said Harrison Parker filed in the Office of the Clerk

of this Court said scurrilous Affidavits containing as exhibits thereto and as a part thereof a purported 'certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16, 1943, and amended at the adjourned meeting held in Chicago on February 5, 1944' and also a purported copy of a letter on the letterhead of the so-called 'Puritan Church of America,' addressed to 'The Anti-Defamation League, B'Nai B'Rith, 100 N. LaSalle Street, Chicago, Illinois,' and purporting to be signed by The Puritan Church, by Harrison Parker, its Chancellor;' and another certain purported copy of a letter on the letterhead of the 'Puritan Church—The Church of America,' addressed to the 'Honorable Francis Biddle, Attorney General of the United States of America, Washington, D. C.' under date of December 26, 1944, and purporting to be signed 'The Puritan Church, by Harrison Parker, its Chancellor,' which scurrilous affidavit and exhibits thereto should be by reference incorporated in [fol. 54] this order and made a part hereof for greater certainty;

"3. That the filing of said scurrilous affidavit and exhibits thereto by said Harrison Parker constitutes an obstruction of justice and an abuse of the processes of this Court, which conduct of said Harrison Parker took place while this court was in open session and tended to lessen the dignity and authority of this Court;

"4. The Court further finds that said Harrison Parker, who is now here present in open court, is, by reason of said conduct guilty of direct contempt of this Court.

"Wherefore, the premises considered:

"It is ordered and adjudged, that said scurrilous affidavits filed by said Harrison Parker in the office of the Clerk of this Court on January 4, 1945, and again on January 15, 1945, and containing as Exhibits thereto 'certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16, 1943, and amended at the adjourned meeting held in Chicago

on February 5, 1944,' and also a purported copy of a letter on the letterhead of the so-called 'Puritan Church of America,' addressed to 'The Anti-Defamation League, B'Nai B'Rith, 100 N. LaSalle Street, Chicago, Illinois,' and purporting to be signed by 'The Puritan Church, by Harrison Parker, its Chancellor;' and another certain purported copy of a letter on the letterhead of the 'Puritan Church—The Church of America,' addressed to the 'Hon-
[fol. 55] orable Francis Biddle, Attorney General of the United States of America, Washington, D. C.' under date of December 26, 1944, and purporting to be signed 'The Puritan Church, by Harrison Parker, its Chancellor,' be and the same is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth herein; and

"It is further ordered and adjudged that said Harrison Parker was and is and hereby is adjudicated guilty of and in direct contempt of this Court; and

"It is further hereby ordered and adjudged that said Harrison Parker stand committed to and be confined in the County Jail in said County of Cook and State of Illinois for ninety days;

"The Court further hereby orders and adjudges that a warrant of commitment do now issue in due form for the arrest forthwith of said Harker Parker, directed to the Sheriff of Cook County, in the State of Illinois, and that when arrested by said Sheriff said Harrison Parker be committed to said jail and that he be there held for ninety days until he shall be otherwise discharged from said imprisonment by due process of law.

Enter:

Daniel P. Trude
Judge.

"Mittimus stayed until January 22, 1945, at 10 A. M.
Daniel P. Trude,
Judge.

"Done this 15th day of January, 1945."

MOTION TO DISMISS

[fol. 56] Motion of Jacob Shamberg to dismiss then and there, the cause entitled Harrison Parker *vs.* Jacob Shamberg, No. 43-C-13381.

ORDER

Order of Judge Trude, dismissing the cause as follows:

"On motion of Kirkland, Fleming, Green, Martin & Ellis, Attorneys for the defendant, to have the cause dismissed on the merits and the Court being duly advised in the premises;

"It is hereby ordered that this cause be and the same is hereby dismissed on the merits with cost to the defendant.

Enter:

Daniel P. Trude.

"To the entry of the above order the plaintiff Harrison Parker objects.
January 15, 1945.

Daniel P. Trude
Judge."

PETITION

Petition of Jacob Shamberg dated January 15, 1945, for rule to show cause why Harrison Parker should not be punished for contempt of Court.

Order of Judge Trude dated January 15, 1945, for Harrison Parker to answer within five days.

Order of Judge Trude extending the time to answer for Harrison Parker.

ANSWER OF HARRISON PARKER TO PETITION FOR RULE TO SHOW CAUSE—January 22, 1945

Abstract (Page 1)

"That E. E. Wenger, a Notary, did on February 15, 1944, issue subpoenas for said Elmer Benton and said Dr. Richardson

[fol. 57] (Page 2)

"That he, Harrison Parker, did, on March 1, 1944, file a second sworn petition setting forth his objections to the illegal, improper and unconstitutional 'fishing expedition' on which the defendant and now the petitioner had embarked, and he did request the Court that the defendant and his attorney be restrained from proceeding to take depositions of said Elmer Benton and said Dr. Richardson,

having to do with and pertaining to the Puritan Church, or the Brotherhood of the Ancient Order of St. John; that in his sworn petition he had pointed out to the Court, that none of said parties were, or had ever been, nor could they properly be, parties to the litigation Parker *vs.* Shamberg, or could they ever be called upon to testify as Shamberg and his lawyers were attempting to force them to do; that he had stated to Judge Harrington, on March 2, 1944, that he thought the records of the Puritan Church and the Brotherhood of the Ancient

(Page 3)

Order of St. John were then in St. Louis; that said Shamberg had on March 22, 1944, filed a petition to compel Dr. Richardson to bring in the books and records of the Puritan Church and the Brotherhood of the Ancient Order of St. John, despite the fact that on February 22, 1944, she had testified under oath, that she never in her life had in her possession any papers of the Puritan Church; that on March 22, 1944, said Shamberg again improperly, illegally and despite the provisions of the Constitution of the U. S. A. contrary thereto, did file another petition under oath, setting forth, that the records of the Puritan Church [fol. 58] were material to his cause, and that he and/or they were informed and therefor- believed, that he (Parker), had formed the Puritan Church as a means to carry on an extortion; yet,

(Page 4)

in fact, no extortion has ever existed and therefore could never be proved; it exists only in the mind of the person making the Affidavit on said petition; that said petition misrepresented what he (Parker) had said, and falsified his words and their meaning; that he (Parker) had not identified over 1100 letters and pamphlets which contain threats to kill and harm a large number of persons, firms and corporations, including numerous Judges and public officials; he denies that he has ever made a threat to kill anyone; he has said that persons faithless to the public trust should be given publicity and he has given it, in order that orderly government should exist in the U. S. A.; that in his

(Page 5)

deposition he had stated that the Puritan Church is going to try to hang two Judges of the Circuit Court and one Judge of the Appellate Court, because of their misdeeds such is the penalty that conduct such as theirs, has often received; that Shamberg had concluded his petition that this statement by Parker was sufficient grounds for Shamberg's lawyer to state under oath, that said Puritan Church is in a conspiracy with Parker; that the books and records of the 'church' will tend to prove the allegation in his answer, that Parker, is a blackmailer.

[fol. 59] (Page 6)

"That on October 6, 1944, said Dr. Richardson and said Benton did appear and did again under oath say that she had no books and records of the Puritan Church in her possession; that all she had was its literature; that when Dr. Richardson was asked for the third time, if she had the books and records of the Puritan Church, she refused to answer.

(Page 7)

"That on October 18, 1944, Shamberg again illegally, improperly and against the provisions of the Constitution of the U. S. A. prayed, that a rule to show cause issue against said Dr. Richardson and said Benton for their refusal to answer interrogatories.

"On November 10, 1944, said Richardson and Benton on order of the Court filed their sworn answers.

(Page 8)

"That conditions of August 2, 1943, which Dr. Richardson had said were true then, were not true on December 4, 1944.

(Page 9)

"That on December 4, 1944, he (Parker), had volunteered to correct the mistaken impression under which Judge Trude was laboring, by stating into the record under oath, that the records of the Puritan Church had been in Canada, since before the Shamberg lawsuit was started, except for the occasion when they had been in St. Louis, and another occasion when they had been in Wisconsin; that at the

same time, he informed the Court, that it had no jurisdiction over the Trustees, or over said records; that on the same day

[fol. 60] (Page 10)

he informed Judge Trude, that the Puritan Church considered it its duty to support the government, by exposing corruption wherever it was found; at the same time, he told Judge Trude that the Trustees of the Puritan Church had not been served in the Parker-Shamberg lawsuit; and as best he could on that occasion, he told Judge Trude, that the Constitutions prohibited his Court from doing that which it had done, and which it was then doing, namely: inquiring into a church legally organized and existing under the laws of the State of Illinois; that the Court was not only permitting Shamberg and his counsel to go on a 'fishing expedition' which had never been permitted under the law, but had — permitting this 'fishing expedition' in the records of a legally organized Church.

(Page 11)

"He, Parker, also testified on December 4, 1944, that there was not a single record of the Puritan Church in Illinois, for the reason that the Church had decided that with the illegal accomplishments of the law firm of Kirkland, Fleming, Green, Martin & Ellis who represent Shamberg, it would be safer for a Church to have its records outside of the State, and best in Canada. At the same time, he (Parker), testified, that certain Judges had violated the Constitution and that in his opinion, for that crime they should be hanged which crime, history divulges, has been the proper and frequent penalty paid by traitors; that on August 21, 1944, Judge Harrington had ruled, that he need not answer any questions by Shamberg's lawyers with regard to the Puritan Church and the [fol. 61] Brotherhood of the Ancient Order of St. John, nor need he produce records or papers of either of said organizations;

(Page 12)

Yet after said ruling by Judge Harrington, when this same matter was heard by Judge Daniel P. Trude, said Shamberg by his counsel had presented a petition similar to that refused by Judge Harrington, and had obtained the per-

mission of said Judge Trude to engage in the 'fishing expedition' in which they were now engaged; that he is unable to determine legally, whether he must obey the said order of Judge Harrington, or whether he must obey the later order of Judge Trude.

(Page 13)

"That on January 2, 1945, Shamberg made a motion before Judge Trude for a more sweeping 'fishing expedition,' into the records of the Puritan Church and the Brotherhood of the Ancient Order of St. John, commencing with January 1, 1940, to January 2, 1945, in face of the fact that the proceeding Parker *vs.* Shamberg was filed December 8, 1943. (See page 1, this abstract.)

"That Shamberg and his counsel, in asking in this motion for one Judge of the Circuit Court to over-

(Page 14)

rule the order of another, were attempting to give their reprehensible and improper conduct, a semblance of legality, by proclaiming that they were proceeding under Supreme Court Rule 17, paragraphs 8 and 9;

"Then and there, he Parker, again reminded Judge Trude, that the records asked for were in Canada and [fol. 62] moreover, they were not relevant to the issues then before the Court, as said Judge Harrington had ruled on August 21, 1944:

"That, he then realized that he was confronted with said order of said Judge Trude and must obey it, insofar as he could, and he, did comply with said order as best he could, by filing his Affidavit which included as exhibits, those documents which had come into his possesison shortly before that time.

"That on January 4th he (Parker), did file in the Office of the Clerk of the Circuit Court of Cook County, his Affidavit in which he had truthfully answered all questions along with it, and as a part thereof, certain exhibits which had properly come into

(Page 15)

his hands shortly before and were in his hands at said time; that in his Affidavit he did not, as Shamberg alleges in his petition for rule to show cause, swear inter alia, that in November 1944, he had destroyed all originals, duplicate

originals and copies of all letters, telegrams, memoranda, etc., passing between Conrad Miner, Charles Norris, Homer Race, and himeslf: nor did he in said Affidavit swear 'that he had also destroyed in November 1944, all Minute Books, records, etc., of and concerning the said so-called Puritan Church, and said so-called Brotherhood of the Ancient Order of St. John,' except for the said seven filed documents (on pages 75, 107, 108, 124, 126, 132, 133), and he denies that this said Affidavit and said documents were filed in any contempt of Court; that he was required by an order of Court, to answer questions and make available [fol. 63] 'all originals, etc., during the period between January 1, 1940, up to and including the present time'; that among the persons and entities named by Shamberg in his petition, were listed Conrad Miner, Charles Norris and Homer Race, and the pretended Puritan Church

(Page 16)

Committee to, aid in driving the hoodlums, etc., out of the control of the labor unions, the legal profession, journalism and politics'; that he did do insofar as it was in his power, precisely what was required of him, by the Court order.

"That J. B. Martineau, Jr., a partner of the said law firm of Kirkland, Fleming, Green, Martin and Ellis, had recklessly perjured himself, in the filed petition; that until the order of Judge Harrington of August 21, 1944, had been reversed, there was no order or motion pending in this matter, nor was there any order or motion affecting or regarding either him (Parker, nor the said Puritan Church, nor the Brotherhood of the Ancient Order of St. John, or any of his or their books, records or correspondence:

(Page 17)

"That on October 15, the Puritan Church increased its office space at LaGrange, Illinois; that he (Parker), for 10 years previously had lived at 4534 Greenwood Avenue, Chicago; there were there the usual accumulations of old personal files; that when in October, 1944, he made an arrangement with the Trustees of the Puritan Church to do some work for it, he moved part of his personal files from Chicago to LaGrange and, in the ordinary course of [fol. 64] business, destroyed those which in his opinion

were not worth the cartage expense; that in the destroyed files, there was nothing showing or 'reflecting any dealings' as the motion dated January 2, 1945, required; all were letters from wife, children, friends, like Messrs. Miner, Norris and Race; that destroying in October, the personal effects which he did, he did not violate the said motion of January 2, 1945, to produce material 'showing or reflecting

(Page 18)

any dealings between' him, and Messrs. Race, Norris and Miner; that neither Shamberg nor his counsel have or had any knowledge of the contents of the files destroyed at 4534 Greenwood Avenue, Chicago, in October 1944; that at the time of the destruction of these personal letters, there was no motion, no matter pending, involving said Puritan Church, said Brotherhood of the Ancient Order of St. John; that Judge Trude did not hear the instant matter before November 10, 1944, which date was after the moving of his personal effects from Chicago to LaGrange, and the destruction or abandonment in Chicago, of those not needed by him at LaGrange, Illinois: that just prior to the time when he filed his said Affidavit, in response to the order of the Court, there came into his hands, the document which in accordance with the said order of the Court, he then and there filed, they being all that he then and there had in his possession.

"He denies that he on November 1944, destroyed any books, papers or documents of said Puritan Church and Brotherhood of the Ancient Order of St. John, as alleged by Shamberg in his petition:

[fol. 65] (Page 19)

"In his Affidavit he stated 'all others were destroyed, when this Affiant moved his office last November.' At that time, the Trustees of the Puritan Church, in making room for his personal files, and for the orderly conduct of their business in enlarged quarters, also destroyed books and records which they no longer considered useful at the LaGrange office; these without his help or his suggestion were turned over by the Trustees themselves, to the Janitor of the offices occupied by the Puritan Church at LaGrange, Illinois; that he has never admitted that he has ever destroyed or had anything to do with the destruction

of any of the papers or documents belonging to said Church, or to said Brotherhood.

"He denies that he ever stated under oath, as it is alleged in Shamberg's petition also, under oath, that the Puritan Church, or the Brotherhood of the Ancient Order of St. John have made plans to hang, or murder anyone; he denies that he has ever threatened to commit any crime, let alone, murder.

(Page 20)

On the contrary, he states he has repeatedly maintained that all violators of the Constitution of the U. S. A. deserve the fate of hanging, because of what their destruction of the Constitution means and will mean to other citizens; that all law is down and instead of government there is chaos; and that whatever he has been charged with having written or said contrary to this, is an utter distortion of his meaning, purpose or intent; that the person who swore to Shamberg's petition should be held for perjury.

[fol. 66] (Page 21)

"That there is no proper precedent in law, for the illegal methods which said Shamberg and his counsel have used to inquire into the organization and the workings of a legally organized and existing Church; that Shamberg and his counsel are attempting to establish a dangerous precedent which can be used, if they are successful, against all other existing Churches.

(Page 22)

"That it is wrong and improper to hold him responsible, or attempt to gain from him, the information which he says he does not have; and it is equally improper to charge the Trustees of the Puritan Church, in any matter in which they are not a party, and with which they have no connection.

"That there was no order pending when he destroyed his accumulated personal correspondence; this correspondence was personal and had nothing to do with any matters either properly or improperly before this Court; that they did not concern said Puritan Church, or the said Brotherhood of the Ancient Order of St. John, or any other matters possibly within the pervue of this proceed-

ing; there was no order pending and no reason why such correspondence should not b destroyed; he denies that if such correspondence had been produced that it would have been possible for said Shamberg to have discovered therefrom regarding either

(Page 23)

the present whereabouts of the said Messrs. Race, Miner and Norris, or that their testimony could have been procured; that therefore, he cannot be properly accused of [fol. 67] having knowingly destroyed material evidence in this cause'; That in his Affidavit, he did swear on January 4, 1944 that 'this Affiant never heard of, nor has he ever had any connection with such an organization' which he made in answer to question numbered 23, of said motion which recited 'The pretended Puritan Church Committee' etc., for

(Page 24)

in truth and in fact, there has never been such a Committee; that he answered that question carefully, because he knew that had he answered the question affirmatively, he might have been pilloried and ridiculed in the Chicago Tribune for admitting that he was a member of a 'pretended Committee'; that he has repeatedly under oath maintained that he was Chairman of 'The Committee of the Puritan Church' and had furnished the counsel for Shamberg with a statement, that he was a member of said Committee which exists in fact (Exhibit A); that he was stating the truth when he swore that he was not a member of the 'pretended committee.'

(Page 25)

"That in addition to all that appears herein, he disavows any intention or intent of committing any acts or so conducting himself that may or might be held or determined to be contempt of Court.

(Page 26)

"That from the above it must be patent that he should not be punished for contempt of Court for 'obstructing justice';

(Page 27)

"That he has never admitted destroying any of said records of the Puritan Church or of said Brotherhood of the Ancient Order of St. John.

[fol. 68] Page 28)

"That on December 4, 1944, and on January 2, 1945, the records of the Puritan Church and the Brotherhood of the Ancient Order of St. John were in Canada as he had testified;

(Page 29)

that he has never committed perjury in this proceeding.

(Page 30)

Prayer.

(Page 31)

Signed Harrison Parker.

. . . . . .

Duly sworn to by Harrison Parker, jurat omitted in printing.

[fol. 69] EXHIBIT A

The Puritan Church of the United States of America

(Founded in the American Colonies at Reading,)
Massachusetts in 1642, by Deacon Thomas Parker)

National Headquarters
LaGrange, Illinois

The Puritan Church Committee,
to aid in driving the hoodlums,
the assassins, and the blackmail-
ers out of the control of labor
unions, out of the control of the
legal profession, out of the con-
trol of journalism and out of the
control of politics.

Conrad Miner
Charles Norris
Harrison Parker,
Chairman

Order of Judge Trude, dated January 23, 1945, committing Harrison Parker to the Cook County Jail for 90 days:

ORDER

"This cause coming on to be heard upon the sworn petition of the defendant, Jacob Shamberg, filed by leave of court on January 15, 1945, while the cause of 'Harrison Parker, plaintiff *vs.* Jacob Shamberg, defendant, No. 43-C-13381' was still pending before this court, for an order requiring said Parker to show cause why he shou-d not be punished for criminal contempt of court by reason [fol. 70] of the matters and things in said petition alleged, and upon Harrison Parker's answer thereto filed on January 22, 1945;

"The Court Finds:

"1) The Court has jurisdiction of the parties and of the subject matter hereof;

"2) That on January 15, 1945, a sworn petition was filed on behalf of the defendant, Jacob Shamberg, in the case of 'Harrison Parker, plaintiff *vs.* Jacob Shamberg, defendant, No. 43-C-13381' which sworn petition charged said

Harrison Parker with criminal contempt of court by reason of the matters and things therein alleged;

"3) That on January 15, 1945, an order was entered by this Court, requiring the said Harrison Parker to show cause by Friday, January 19, 1945, which he should not be punished for criminal contempt of court by reason of the matters and things set forth in said petition filed on behalf of said Jacob Shamberg;

"4) That on Thursday, January 18, 1945 an order was entered on the motion of said Parker extending the time within which he was to file his answer to said rule to show cause up to and including ten o'clock A.M., Monday, January 22, 1945;

"5) That on Monday, January 22, 1945 said Parker filed in the office of the Clerk of the Circuit Court of Cook County his 'Answer to Petition for Rule to Show Cause,' a true and photostatic copy of which Answer is attached hereto, incorporated herein, and made a part hereof, and marked 'Exhibit A' hereto;

[fol. 71] "6) That said 'Answer to Petition for Rule to Show Cause,' so filed by said Harrison Parker on January 22, 1945 which answer is attached hereto, incorporated herein, made a part hereof, and marked 'Exhibit A' hereto, does not purge said Parker of the criminal contempt charged in said sworn petition filed on behalf of said Shamberg on January 15, 1945;

"7) That in said 'Answer to Petition for Rule to Show Cause,' so filed by said Parker on January 22, 1945 said Parker has affirmatively set forth scurrilous, scandalous, defamatory, immaterial matter, which constitutes an obstruction of justice and an abuse of the processes of this court, and which conduct of said Harrison Parker took place while this court was in open session and tended to lessen the dignity and authority of this court;

"8) The Court further finds that said Harrison Parker, who is now here present in open Court, is, by reason of said conduct, guilty of direct criminal contempt of this Court;

"Wherefore, The Premises Considered:

"It is ordered and adjudged that said 'Answer to Petition for Rule to Show Cause,' heretofore filed by said Parker in the office of the Clerk of this Court on January 22, 1945, which is attached hereto, incorporated herein,

made a part hereof, and marked 'Exhibit A' hereto, be and the same is hereby attached hereto, incorporated herein, made a part hereof and marked Exhibit A with the same force and effect as if the same were set forth in full in the body of this order; and

[fol. 72] It is further ordered and adjudged that said Rule to Show Cause heretofore issued by this court on January 15, 1945 requiring Harrison Parker to show cause why he should not be punished for contempt of Court by reason of having committed the acts set forth in said petition heretofore filed on behalf of said Jacob Shamberg on January 14, 1945, in the case entitled Harrison Parker, Plaintiff *vs.* Jacob Shamberg, Defendant, No. 43-C-13381, be and the same is hereby made absolute; and

"It is further ordered and adjudged that said Harrison Parker was and is hereby adjudicated guilty of and in direct criminal contempt of this Court by reason of his having affirmatively set forth the scurrilous, scandalous, defamatory and immaterial matters set forth by him in said 'Answer to Petition for Rule to Show Cause,' heretofore filed by said Harrison Parker in the office of the Clerk of this Court on January 22, 1945; and

"It is further ordered and adjudged that said Harrison Parker stand committed to and be confined in the County Jail in said County of Cook and State of Illinois for ninety (90) days; and

"The Court further orders and adjudges that warranty of commitment do now issue in due form for the arrest forthwith of said Harrison Parker, directed to the Sheriff of Cook County, in the State of Illinois, and that when arrested by said sheriff said Harrison Parker be committed to said jail and that he be there held for ninety (90) days or until he shall be otherwise discharged from said imprisonment by due process of law.

Enter:

Daniel P. Trude, Judge.

[fol. 73] Done this 23rd day of January 1945

Bond $1000.00. Mittimus staved until February 2, 1945.

D. P. Trude, Judge."

Attached to this as an exhibit is Answer to Petition for Rule to Show Cause abstracted on page 56 *et seq.* hereof.

AMENDED ORDER

Amended Order of Judge Trude, dated January 23, 1945, committing Harrison Parker to the Cook County Jail for ninety (90) days:

"This cause coming on this day to be heard on the motion of the defendant, Jacob Shamberg, for an order finding the plaintiff, Harrison Parker, guilty of direct contempt of Court by reason of his having filed in the office of the Clerk of the Circuit Court of Cook County, on January 4, 1945, a certain scurrilous affidavit, and on January 15, 1945, a certain scurrilous answer, containing as a part thereof certain false, malicious, scurrilous and defamatory exhibits purporting to be in obstruction of justice and in abuse of the processes of the Circuit Court of Cook County and in manifest pursuance of a scheme to insult, defame, and scandalize the persons, firms and corporations mentioned in said scurrilous affidavit and exhibits thereto, and said scurrilous answer and exhibits thereto, all in disrespect of and in derogation of the authority and dignity of the Circuit Court of Cook County, The Court Finds:

"1) It has jurisdiction of the parties and of the subject matter hereof;

[fol. 74] "2) That on January 4, 1945, said Harrison Parker filed in the office of the Clerk of this Court said scurrilous affidavit, and again on January 15, 1945, said Harrison Parker filed in the office of the Clerk of this Court said scurrilous answer containing as exhibits thereto and as a part thereof a purported 'certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16, 1943, and amended at the adjourned meeting held in Chicago on February 5, 1944,' and also a purported copy of a letter on the letterhead of the so-called 'Puritan Church of America,' addressed to 'The Anti-Defamation League, B'Nai B'Rith, 100 No. LaSalle Street, Chicago, Illinois,' and purporting to be signed by 'The Puritan Church, by Harrison Parker, its Chancellor;' and another certain purported copy of a letter on the letterhead of the 'Puritan Church—The Church of America,'

addressed to the 'Honorable Francis Biddle, Attorney General of the United States of America, Washington, D. C.' under date of December 26, 1944, and purporting to be signed 'The Puritan Church, by Harrison Parker, its Chancellor,' which scurrilous affidavit and exhibits thereto, and said scurrilous answer and exhibits thereto, should be by reference incorporated in this order and made a part hereof for greater certainty, and made a part hereof and marked Exhibits 'A' and 'B' respectively.

[fol. 75] "3) That the filing of said scurrilous affidavit and exhibits thereto, and said scurrilous answer and exhibits thereto, by said Harrison Parker constitutes an obstruction of justice and an abuse of the processes of this Court, which conduct of said Harrison Parker took place while this Court was in open session and tended to lessen the dignity and authority of this Court.

"4) The Court further finds that said Harrison Parker, who is now here present in open Court, is, by reason of said conduct guilty of direct contempt of this Court.

"Wherefore, the premises considered:

"It is ordered and adjudged that said scurrilous affidavit filed by said Harrison Parker in the office of the Clerk of this Court on January 4, 1945, and said scurrilous answer filed by said Parker in the office of the Clerk of this Court on January 15, 1945, containing as exhibits thereto 'certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the United States and the College of the Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16, 1943, and amended at the adjourned meeting held in Chicago on February 5, 1944' and also a purported copy of a letter on the letterhead of the so-called 'Puritan Church of America,' addressed to 'The Anti-Defamation League, B'Nai B'Rith, 100 N. LaSalle Street, Chicago, Illinois,' and purporting to be signed by 'The Puritan Church, by Harrison Parker, its Chancellor,' and another certain purported copy of a letter on the letterhead of the 'Puritan [fol. 76] Church—The Church of America,' addressed to the 'Honorable Francis Biddle, Attorney General of the United States of America, Washington, D. C.' under date of December 26, 1944, and purporting to be signed 'The

Puritan Church, by Harrison Parker, its Chancellor,' be and the same is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth herein, and marked Exhibit A and B respectively, said scurrilous affidavit filed by said Parker on January 4, 1945, is ordered to be marked Exhibit "A" and said scurrilous answer filed by said Parker on January 15, 1945 is ordered to be marked Exhibit "B."

"It is further ordered and adjudged that said Harrison Parker was and is and hereby is adjudicated guilty of and in direct contempt of this Court; and

"It is further hereby ordered and adjudged that said Harrison Parker stand committed to and be confined in the County Jail in said County of Cook and State of Illinois for Ninety (90) days; and

"The Court further hereby orders and adjudges that a warrant of commitment do now issue in due form for the arrest forthwith of said Harrison Parker, directed to the Sheriff of Cook County, in the State of Illinois, and that when arrested by said Sheriff, said Harrison Parker be committed to said jail and that he be there held for ninety days; or until he shall be otherwise discharged from said imprisonment by due process of law.

Enter:

Daniel P. Trude, Judge.

[fol. 77] Bond $1000.

Mittimus stayed until Feb. 2, 1945
Done this 23rd day of January A.D. 1945.
To the entry of this order plaintiff objects and except.

Daniel P. Trude, Judge."

(Attached to this Amended Order of January 23, 1945, was the affidavit of Harrison Parker abstracted on Page 6 hereof and Exhibits A, B, C, D and E, attached thereto and set forth therein; also the answer of Harrison Parker abstracted on Page 33 hereof, and the Exhibits attached thereto, also herein; and the Answer to the Petition for Rule to Show Cause dated January 22, 1945, abstracted on Page 54 hereof, and the Exhibits attached thereto.)

Order of Judge Trude, to stay issue of mittimus dated February 2, 1945.

Motion of Harrison Parker to stay issue of mittimus, dated February 5, 1945.

Appearance Bond of $2,000 for Harrison Parker, dated January 24, 1945.

Motion of Harrison Parker to vacate Amended Order of Judge Trude of January 15, 1945, dated February 14, 1945.

Order of Supreme Court, dated January 23, 1945, denying writ of error and supesedeas.

Order of Judge Trude denying Motion dated February 14, 1945.

Order of Judge Trude to stay issuance of mittimus, dated February 19, 1945.

Writ of Error.

[fol. 78] Praecipe of Record.

Notice of praecipe for record on appeal.

Notice of Appeal.

Notice of filing Notice of Appeal.

Amended Praecipe for Record.

Notice for Amended Praecipe for Record.

Second Amended Praecipe for Record.

Notice for Second Amended Praecipe for Record.

Certificate of Clerk of Circuit Court.

ASSIGNMENT OF ERRORS

1. The court erred in failing to dismiss the contempt, direct contempt, criminal contempt and direct criminal contempt proceedings herein.

2. The court erred in convicting the plaintiff in error of contempt on the written motion.

3. The court erred in failing to set out facts constituting the offence with particularity and certainty to show that the court was authorized to make the order of contempt.

4. The court erred in failing to find that the motion and petition failed to state facts other than on information and belief, showing the commission of any contempt of the court by the plaintiff in error herein.

5. The court erred in failing to set forth facts upon which the finding of contempt is based and the reviewing court is without knowledge of the precise basis therefor for contempt.

6. The court erred in convicting the plaintiff in error of direct contempt on the written motion.

[fol. 79] 7. The court erred in failing to set out facts constituting the offence with particularity and certainty to show that the court was authorized to make the order of direct contempt.

8. The court erred in failing to find that the motion and petition failed to state facts, other than on information and belief, showing the commission of any direct contempt of the court by the plaintiff in error herein.

9. The court erred in failing to set forth facts upon which the finding of direct contempt is based and the reviewing court is without knowledge of the precise basis therefor for direct contempt.

10. The court erred in again taking jurisdiction and entering an order or amended order after a motion for a writ of error and supersedeas had been denied by the Supreme Court of Illinois.

11. The court erred in entering a rule against the plaintiff in error to show cause why he should not be punished for contempt of court.

12. The court erred in making the rule to show cause against the plaintiff in error, why he should not be punished for contempt of court, absolute.

13. The court erred in convicting the plaintiff in error of criminal contempt on the written motion.

14. The court erred in failing to set out facts constituting the offense with particularity and certainty to show that the court was authorized to make the order of criminal contempt.

15. The court erred in failing to find that the motion and petition failed to state facts, other than on information and belief, showing the commission of any criminal [fol. 80] contempt of the court by the plaintiff in error herein.

16. The court erred in failing to set forth facts upon which the finding of criminal contempt is based and the reviewing court is without knowledge of the precise basis therefor for criminal contempt.

17. The court erred in convicting the plaintiff in error of direct criminal contempt on the written motion.

18. The court erred in failing to s t out facts constituting the offence with particularity and certainty to show that the court was authorized to make the order of direct criminal contempt.

19. The court erred in failing to find that the motion and petition failed to state facts, other than on information and belief, showing the commission of any direct criminal contempt of the court by the plaintiff in error herein.

20. The court erred in failing to set forth facts upon which the finding of direct criminal contempt is based and the reviewing court is without knowledge of the precise basis therefor for direct criminal contempt.

21. The court erred in failing to find that the answers of the plaintiff in error were conclusive and purged him of any and all contempt.

22. The court erred in failing to find that each and every order and the component parts thereof are in conflict with the motions and petitions and facts upon which they purport to be granted.

23. The court erred in failing to find that the component parts of each and every of the orders are in conflict, one with another.

[fol. 81] 24. The court erred in failing to find that the component parts of each and every of the orders are in conflict with the other parts of the orders.

25. The court erred in failing to find that the orders fail to show that they are entered on an information, or affidavit, or rule to show cause, or process of any kind, on other than information and belief.

26. The court erred in failing to find that the orders fail to set forth the precise findings and facts as to the alleged matter that purports to be scurrilous, scandalous, malicious, defamatory and immaterial.

27. The court erred in finding the plaintiff in error guilty of contempt of any kind. The trial court adjudged conduct to be contemptuous which under the law was not and could not have been contempt of court, of any kind.

28. The court erred in failing to find that the orders for contempt, direct contempt, criminal contempt and direct criminal contempt are insufficient for they do not meet that certainty required in proceedings that are criminal or of a criminal nature.

29. The court erred in failing to find that the plaintiff in error was properly in exercise of his rights as a litigant, representing himself *pro se*, and in the exercise of these rights guaranteed to him under and pursuant to the Constitution of the United States of America, and particularly,

Article 6, Fifth Amendment, First Amendment, and the Fourteenth Amendment, and of the Constitution of the State of Illinois, Section 5, Article 2.

[fol. 82] ABSTRACT OF APPELLATE COURT RECORD

Placita.

Praecipe filed February 15, 1945.

Writ of Error dated February 15, 1945.

Scire Facias dated February 15, 1945, served February 21, 1945.

Order staying mittimus, dated February 19, 1945.

Appearance of People of the State of Illinois.

Order March 13, 1945 assigning matter to Second Division.

Order March 13, 1945, allowing motion of Harrison Parker to enter appearance of Arthur Frankel as his attorney.

Order March 20, 1945 allowing motion of Parker to extend time for filing of abstracts and brief.

Order March 20, 1945, denying consolidation of this cause with cause General Number 43373.

Order March 20, 1945, making writ of error a supersedeas, and setting the amount of the bond.

Order March 23, 1945 approving bond.

Order May 1, 1945, taking matter on briefs.

Order May 9, 1945, extended time for briefs and abstracts of Plaintiff in Error.

Order May 31, 1945 giving leave for filing of assignment of errors.

Order June 28, 1945 allowing amendment of record.

[fol. 83] Order August 20, 1945 allowing plaintiff in error extension of time to file motion to strike brief of defendant in error.

Order August 20, 1945, to extend time for filing of reply brief.

Order September 11, 1945 denying motion to strike brief of defendant in error.

Order September 18, 1945, extending time for filing reply brief of plaintiff in error.

Order October 2, 1945, extending time for filing reply brief of plaintiff in error.

JUDGMENT

Judgment order, February 14, 1946; amended judgment order of the circuit court of Cook county entered January 23, 1945, finding Harrison Parker guilty of direct contempt, affirmed. Second judgment order of the circuit court of Cook county entered January 23, 1945, finding Harrison Parker guilty of direct criminal contempt of court, reversed.

Order February 26, 1946, publishing decision in full.

Order February 27, 1946 denying motion of *of* Arthur Frankel to expunge certain pages of the opinion.

Order March 5, 1946 granting leave to appeal.

Order March 26, 1946 denying motion of Arthur Frankel to modify portions of the written opinion.

Writ of Error filed April 1, 1946.

Certificate of Clerk of Appellate Court.

[fol. 84] ASSIGNMENT OF ERRORS

1. The court erred in failing to dismiss the direct contempt proceeding herein.

2. The court erred in convicting the plaintiff in error of contempt on the written motion.

3. The court erred in failing to set out facts constituting the offense with particularity and certainty to show that the court was authorized to make the order of contempt.

4. The court erred in failing to find that the motion and petition failed to state facts other than on information and belief, showing the commission of any contempt of the court by the plaintiff in error herein.

5. The court erred in failing to set forth facts upon which the finding of contempt is based and the reviewing court is without knowledge of the precise basis therefor for contempt.

6. The court erred in convicting the plaintiff in error of direct contempt on the written motion.

7. The court erred in failing to set out facts constituting the offense with particularity and certainty to show that the court was authorized to make the order of direct contempt.

8. The court erred in failing to find that the motion and petition failed to state facts, other than on information and belief, showing the commission of any direct contempt of the court by the plaintiff in error herein.

[fol. 85] 9. The court erred in failing to set forth facts upon which the finding of direct contempt is based and the reviewing court is without knowledge of the precise basis therefor for direct contempt.

10. The court erred in again taking jurisdiction and entering an order or amended order after a motion for a writ of error and supersedeas had been denied by the Supreme Court of Illinois.

11. The court erred in entering a rule against the plaintiff in error to show cause why he should not be punished for contempt of court.

12. The court erred in making the rule to show cause against the plaintiff in error, why he should not be punished for contempt of court, absolute.

13. The court erred in failing to set out facts constituting the offense with particularity and certainty to show that the court was authorized to make the order of direct contempt.

14. The court erred in failing to find that the motion and petition failed to state facts, other than on information and belief, showing the commission of any direct contempt of court by the plaintiff in error herein.

15. The court erred in failing to set forth facts upon which the finding of direct contempt is based and the reviewing court is without knowledge of the precise basis therefor for direct contempt.

16. The court erred in convicting the plaintiff in error of direct contempt on the written motion.

17. The court erred in failing to set out facts constituting the offense with particularity and certainty to show [fol. 86] that the court was authorized to make the order of direct contempt.

18. The court erred in failing to find that the motion and petition failed to state facts, other than on the information and belief, showing the commission of any direct contempt of the court by the plaintiff in error herein.

19. The court erred in failing to set forth facts upon which the finding of direct contempt is based and the re-

viewing court is without knowledge of the precise basis therefor for direct contempt.

20. The court erred in failing to find that the answer of the plaintiff in error was conclusive and purged him of any and all contempt.

21. The court erred in failing to find that each and every order and the component parts thereof are in conflict with the motions and petitions and facts upon which they purport to be granted.

22. The court erred in failing to find that the component parts of each and every of the orders are in conflict, one with another.

23. The court erred in failing to find that the component parts of each and every of the orders are in conflict with other parts of the orders.

24. The court erred in failing to find that the orders fail to show that they are entered on an information, or affidavit, or rule to show cause, or process of any kind, on other than information and belief.

25. The court erred in failing to find that the orders fail to set forth the precise findings and facts as to the [fol. 87] alleged matter that purports to be scurrilous, scandalous, malicious, defamatory and immaterial.

26. The court erred in finding the plaintiff in error guilty of contempt of any kind. The trial court adjudged conduct to be contemptuous which under the law was not and could not have been contempt of court, of any kind.

27. The court erred in failing to find that the order for direct contempt is insufficient for it does not meet that certainty required in proceedings that are of a criminal nature.

28. The court erred in failing to find that the plaintiff in error was properly in exercise of his rights as a litigant, representing himself pro se, and in the exercise of these rights guaranteed to him under and pursuant to the Constitution of the United States of America, and particularly, Article 6, First Amendment, Fifth Amendment, and the Fourteenth Amendment and of the Constitution of the State of Illinois, Section 5, Article 2.

Respectfully submitted, Arthur Frankel, Attorney for Plaintiff in Error.

[fol. 1] IN THE APPELLATE COURT OF ILLINOIS, MAY TERM, A. D. 1946.

PEOPLE OF THE STATE OF ILLINOIS, Defendant in Error,

vs.

HARRISON PARKER, Plaintiff in Error

Error to the Appellate Court of Illinois, First District.

There heard on Writ of Error from the Circuit Court of Cook County.

Honorable Daniel P. Trude, Trial Judge.

ADDITIONAL ABSTRACT OF RECORD—Filed October 17, 1946

PETITION FOR SUBPOENA—Filed March 22, 1944

"Jacob Shamberg, by Kirkland, Fleming, Green, Martin & Ellis, his attorneys, represents unto the court as follows:

1. That this is a suit by Harrison Parker for an alleged slander in which the plaintiff claims the defendant said the following words of and concerning him: "You are a blackmailer."

2. That the defendant in his answer heretofore filed pleads that the statement made by the defendant is true.

[fol. 2] 3. That the "Puritan Church" is registered in the County Recorder's Office of Cook County, Illinois, under document No. 13098659 at Page 223 in Book 1444 as a religious corporation on June 28, 1943. This certificate of incorporation is signed by said Parker as "secretary of the meeting."

4. That the plaintiff, said Parker, has admitted that Dr. Agnes Richardson is the Chancellor of said "Puritan Church." In a deposition heretofore taken it was discovered that one Jesse L. Stewart, one M. S. Johnson and one C. C. Waterbury had been represented as being trustees of said "Puritan Church." Parker has admitted in

his deposition that one Catherine Whalen has been employed by said "Church" to write certain pamphlets and other writings which are distributed by the said "Church." This is a petition for the above persons named to appear for depositions and to bring certain records of the "Puritan Church" with them.

5. These records and testimony of the above named persons are material in this case because:

(a) Your petitioner is informed and believes that Parker formed the so-called "Puritan Church" as a means to carry on certain extortion operations and giving his activities an aura of legality.

(b) Parker has admitted in his deposition that the contributions received by the "Church" were to be used to carry on its campaign to shoot or hang all alleged "constitutional violators."

(c) Parker has testified that a church can say or write anything about any one by virtue of the constitutional provisions as to freedom of religion.

(d) Parker has testified that a church is "legal" as long as it can be shown that it has "solaced one soul."

[fol. 3] (e) Parker has produced letters from people who have purchased so-called religion from the "Puritan Church," most of which enclosed contributions.

(f) In a deposition said Parker has identified over 1100 letters and pamphlets, written, mailed and published to various persons, firms and corporations, containing threats to expose the alleged shortcomings and threats to kill and harm a large number of persons, firms and corporations, including numerous judges and public officials whom Parker has listed as "constitutional violators." Many of said letters have been written by the "Puritan Church" and signed by Parker as a purported officer thereof and are of similar language to those admittedly written by Parker himself.

(g) In a deposition Parker stated "the Puritan Church is going to try to hang ——— and ——— (here he names two prominent citizens) and this Jew ——— (naming a respected judge of the Circuit Court of Cook County) and this Jew ———, (naming a respected judge of the Appellate Court) and

some of the men of the Supreme Court who have written crooked opinions."

7. From the foregoing your petitioner believes that the "Puritan Church" is either in conspiracy with said Parker or is merely a sham designed by said Parker in an attempt to surround his attempted extortions with an odor of sanctity; that the books and records of the "Church" will tend to prove the allegation in the answer that said Parker is a blackmailer.

Wherefore, your petitioner respectfully requests the court for an order permitting him to issue a subpoena duces tecum to the above named persons, Dr. Agnes Richardson, Jesse L. Stewart, M. S. Johnson and C. C. Waterbury; and for them to appear for depositions and to bring with [fol. 4] them all books and records which they have pertaining to the "Puritan Church."

Jacob Shamberg, by Kirkland, Fleming, Green, Martin & Ellis, His Attorneys.

Duly sworn to by J. B. Martineau jurat omitted in printing.

MOTION FOR ORDER TO SHOW CAUSE—Filed January 2, 1945

Now comes the defendant, Jacob Shamberg, by Kirkland, Fleming, Green, Martin & Ellis, his attorneys, and moves the Court as follows:

First: That an order be entered directing the plaintiff, Harrison Parker, to show cause why he should not produce for inspection and to be copied or photographed the following specified documents relating to the merits of the matter in controversy:

[fol. 5] I.

All originals, duplicate originals, and copies of all letters, telegrams, writing memoranda, etc., passing between—and also all minute books, written resolutions, by-laws, trust deeds, contracts, books of account, invoices, receipted bills, cancelled checks, check-stubs, bank statements showing or reflecting any dealings between—and of the following persons, firms, corporations, and pretended religious corporations or bodies,

during the period between January 1, 1940, up to and including the present time:

(1) Jesse L. Stewart,
(2) Jesse L. Stewart Advertising Agency,
(3) M. S. Johnson,
(4) C. C. Waterbury,
(5) L. Holland,
(6) Catherine Whalen,
(7) Agnes Richardson,
(8) "A. Richardson, Chancellor,"
(9) "The Chancellor,"
(10) Elmer Benton,
(11) Conrad Miner,
(12) Charles Norris,
(13) Homer Race,
(14) Maher Printing Company,
(15) Kilgore Linotype Company,
(16) Economy Press,
(17) Buckley-Dement Co.,
(18) Hick & Co.,
(19) LaGrange Trust & Savings Bank,
(20) LaGrange National Bank,
(21) Mercantile National Bank,
(22) "Puritan Church,"
(23) The pretended "Puritan Church Committee to aid in driving the hoodlums, the assassins, and the blackmailers out of the control of labor unions, out of the control of the legal profession, out of the control of journalism, and out of the control of politics,"

[fol. 6] (24) "Puritan Church of the United States";
(25) "Puritan Church of the United States of America";
(26) "Puritan Church of America,"
(27) "Puritan Church—The Church of America,"
(28) "Mother and Father Church of the Puritan Church of LaGrange, Illinois,"
(29) "Mother and Father Church of the Puritan Church of the United States,"
(30) "Mother and Father Church of the Puritan Church of the United States of America,"

(31) "Mother and Father Church of the Puritan Church of America,"

(32) "Brotherhood of the Ancient Order of St. John,"

(33) "Order of Kyria,"

(34) "College of Deacons and Divines" of any and all of the purported bodies described above in sub-paragraphs (22) to (33), inclusive;

(35) "Ecumenical Council" of any and all of the purported bodies described above in sub-paragraphs (22) to (33), inclusive;

(36) "Board of Trustees" of any and all of the purported bodies described above in sub-paragraphs (22) to (33), inclusive;

(37) Harrison Parker, either individually or as pretended "Patriarch," "Ecumenical Patriarch," "Deacon," "Divine," "Chancellor," "Pastor," "Minister," "Moderator," "Ordinator," "Trustee," "Secretary," or member of purported "Ecumenical Council," or purported "College of Deacons and Divines," of any or all of said purported bodies described above in sub-paragraphs (22) to (33), inclusive, or as pretended "Chairman" of the pretended "Puritan Church Committee to aid in driving the hoodlums, the assassins, and the blackmailers out of the control of labor unions, out of the control of the legal profession, out of the control of journalism, and out of the control of politics"; and [fol. 7]

(38) Harrison Parker, doing business under the name and style of "Puritan Church," "The Puritan Church Committee to aid in driving the hoodlums, the assassins, and the blackmailers out of the control of labor unions, out of the control of the legal profession, out of the control of journalism, and out of the control of politics." "Puritan Church of the United States," "Puritan Church of America," "Puritan Church — The Church of America," "Mother and Father Church of the Puri-

tan Church of LaGrange, Illinois," "Mother and Father Church of the Puritan Church of the United States," "Mother and Father Church of the Puritan Church of the United States of America," "Mother and Father Church of the Puritan Church of America," Brotherhood of the Ancient Order of St. John," "Order of Kyria," "College of Deacons and Divines," "Ecumenical Council," "Board of Trustees," "The Patriarch," "The Ecumenical Patriarch," "The Deacon," "The Divine," "The Chancellor," or "The Moderator,"—

and more particularly those records showing or reflecting all activities of any of the persons and bodies described above in sub-paragraphs (6) to (13), inclusive, and (22) to (38), inclusive, in financing, carrying out or threatening, or pretending to carry out, the purposes described above in sub-paragraph (23).

[fol. 8] *Second:* Defendant moves the Court for the entry of an order requiring the plaintiff, Harrison Parker, to state by affidavit whether any of the documents hereinabove described in paragraph I are now or have at any time been in his possession or power, and if not now in his possession or power, when he parted with the same and what has become thereof; and in support of said motion, defendant submits the attached affidavit of J. B. Martineau.

Kirkland, Fleming, Green, Martin & Ellis, Attorneys for Defendant.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

IN THE CIRCUIT COURT OF COOK COUNTY.

Harrison Parker, *Plaintiff*,
vs.
Jacob Shamberg, *Defendant*. } No. 43 C 13381

AFFIDAVIT.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

J. B. Martineau, having first been duly sworn on oath, deposes and says:

That he is a partner of the firm of Kirkland, Fleming, Green, Martin & Ellis, attorneys for the defendant, Jacob Shamberg;

That it is deponent's belief that the plaintiff, Harrison Parker, has now, or at some time has had, in his possession or power the documents described under paragraph I, in the motion attached hereto, and that said documents [fol. 9] relate to the matter in question in the above entitled cause.

J. B. Martineau.

Subscribed and Sworn To before me this 28th day of December, A D. 1944.

Marguerite Alexander,
Notary Public.
(N.S.)

ORDER.

This cause coming on to be heard on defendant's motion in writing, supported by affidavit, for an order requiring the plaintiff, Harrison Parker, to show cause why he should not produce for inspection, and to be copied or photographed, the documents described in said written motion, under Paragraph I, and for an order requiring plaintiff, Harrison Parker, to state by affidavit whether any of said documents are now, or at any time have been, in his possession or power, and if not now in his possesion or power, when he parted with the same and what has become thereof,

and the Court having heard the arguments of counsel and being duly advised in the premises, it is Hereby Ordered:

First, that the plaintiff, Harrison Parker, within four days from the date hereof, show cause why he should not produce for inspection, and to be copied or photographed, the documents described in said written motion;

[fol. 10] And it is Further Ordered:

Second, that the plaintiff, Harrison Parker, within four days from the date hereof, state by affidavit filed in this Court whether any of the documents described in said written motion are now or at any time in the past have been in his possession or power, and if not now in his possession or power, when he parted with the same and what has become thereof.

Enter

DANIEL P. TRUDE,
Judge.

Dated: January 2, 1945.

On January 4, 1945, Parker filed an affidavit in response to the order. Said affidavit, together with the exhibits attached, is set forth as Exhibit A to the amended order of January 23, 1945, at page 18 of the additional abstract.

In response to a motion to hold Parker in contempt of court, Parker, on January 15, 1945, filed an answer which is set forth in Exhibit B to the amended order of January 23, 1945 [additional abstract, p. 50].

On January 15, 1945, the court entered the following order [First Contempt Matter]:

ORDER.

This Cause Coming On This Day To Be Heard on the motion of the defendant, Jacob Shamberg, for an order finding the plaintiff, Harrison Parker, guilty of direct contempt of Court by reason of his having filed in the office [fol. 11] of the Clerk of the Circuit Court of Cook County, on January 4, 1945, and again on January 15, 1945, certain affidavits containing as a part thereof certain false, malicious, scurrilous and defamatory exhibits purporting to be in obstruction of justice and in abuse of the processes of the Circuit Court of Cook County and in manifest pursuance of a scheme to insult, defame, scandalize and black-

mail the persons, firm and corporations mentioned in said scurrilous affidavit and exhibits thereto; all in disrespect of and in derogation of the authority and dignity of the Circuit Court of Cook County;

The Court Finds:

(1) It has jurisdiction of the parties and of the subject matter hereof;

(2) That on January 4, 1945, and again on January 15, 1945, said Harrison Parker filed in the Office of the Clerk of this Court said scurrilous affidavits containing as exhibits thereto and as a part thereof a purported "certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16th, 1943, and amended at the adjourned meeting held in Chicago on February 5, 1944", and also a purported copy of a letter on the letterhead of the so-called "Puritan Church of America," addressed to "The Anti-Defamation League, B'Nai B'Rith, 100 N. La Salle Street, Chicago, Illinois," and purporting to be signed by "The Puritan Church, by Harrison [fol. 12] Parker, its Chancellor"; and another certain purported copy of a letter on the letterhead of the "Puritan Church—The Church of America", addressed to the Honorable Francis Biddle, Attorney General of the United States of America, Washington, D. C.", under date of December 26, 1944, and purporting to be signed "The Puritan Church, by Harrison Parker, its Chancellor", which scurrilous affidavit and exhibits thereto should be by reference incorporated in this order and made a part hereof for greater certainty;

(3) That the filing of said scurrilous affidavits and exhibits thereto by said Harrison Parker constitutes an obstruction of justice and an abuse of the processes of this Court, which conduct of said Harrison Parker took place while this court was in open session and tended to lessen the dignity and authority of this Court;

(4) The Court further finds that said Harrison Parker, who is now here present in open court, is, by reason of said conduct guilty of direct contempt of this Court.

Wherefore, the premises considered:

It Is Ordered And Adjudged, that said scurrilous affidavits filed by said Harrison Parker in the office of the Clerk of this Court on January 4, 1945, and again on January 15, 1945, and containing as exhibits thereto "certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16th, 1943, and amended [fol. 13] at the adjourned meeting held in Chicago on February 5, 1944", and also a purported copy of a letter on the letterhead of the so-called "Puritan Church of America", addressed to "The Anti-Defamation League, B'Nai B'Rith, 100 N. La Salle Street, Chicago, Illinois", and purporting to be signed by "The Puritan Church, by Harrison Parker, its Chancellor"; and another certain purported copy of a letter on the letterhead of the "Puritan Church—The Church of America", addressed to the "Honorable Francis Biddle, Attorney General of the United States of America, Washington, D. C.", under date of December 26, 1944, and purporting to be signed "The Puritan Church, by Harrison Parker, its Chancellor", be and the same is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth herein; and

It Is Further Ordered And Adjudged that said Harrison Parker was and is and hereby is adjudicated guilty of and in direct contempt of this Court; and

It Is Further Hereby Ordered and Adjudged that said Harrison Parker stand committed to and be confined in the County Jail in said County of Cook and State of Illinois for ninety days.

The Court Further Hereby Orders and Adjudges that a warrant of commitment do now issue in due form for the arrest forthwith of said Harrison Parker, directed to the Sheriff of Cook County, in the State of Illinois, and that when arrested by said Sheriff said Harrison Parker be committed to said jail and that he be there held for

ninety days or until he shall be otherwise discharged [fol. 14] from said imprisonment by due process of law.

Enter:

DANIEL P. TRUDE,
Judge.

Done this 15th day of January 1945.

On January 23, 1945, the following amended order was entered [First Contempt Matter]:

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

IN THE CIRCUIT COURT OF COOK COUNTY.

Harrison Parker,
Plaintiff,
vs.
Jacob Shamberg,
Defendant.
People of the State of Illinois,
vs.
Harrison Parker.

No. 43 C 13381

AMENDED ORDER—JAN. 23, 1945.

This cause coming on this day to be heard on the motion of the defendant, Jacob Shamberg, for an order finding the plaintiff, Harrison Parker, guilty of direct contempt of Court by reason of his having filed in the office of the Clerk of the Circuit Court of Cook County, on January 4, 1945, a certain scurrilous affidavit, and on January 15, 1945, a certain scurrilous answer, containing as a part thereof certain false, malicious, scurrilous and defamatory exhibits purporting to be in obstruction of justice and in abuse of the processes of the Circuit Court of Cook [fol. 15] County and in manifest pursuance of a scheme to insult, defame, and scandalize the persons, firms and corporations mentioned in said scurrilous affidavit and exhibits thereto, and said scurrilous answer and exhibits thereto, all in disrespect of and in derogation of the authority and dignity of the Circuit Court of Cook County, THE COURT FINDS:

(1) It has jurisdiction of the parties and of the subject matter hereof;

(2) That on January 4, 1945, said Harrison Parker filed in the office of the Clerk of this Court said scurrilous affidavit, and again on January 15, 1945, said Harrison Parker filed in the office of the Clerk of this Court said scurrilous answer containing as exhibits thereto and as a part thereof a purported "certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16, 1943, and amended at the adjourned meeting held in Chicago on February 5, 1944," and also a purported copy of a letter on the letterhead of the so-called "Puritan Church of America," addressed to "The Anti-Defamation League, B'Nai B'Rith, 100 N. La Salle Street, Chicago, Illinois," and purporting to be signed by "The Puritan Church, by Harrison Parker, its Chancellor"; and another certain purported copy of a letter on the letterhead of the "Puritan Church—The Church of America," addressed to the "Honorable Francis Biddle, Attorney General of the United States of America, Washington, D. C.," under date [fol. 16] of December 26, 1944, and purporting to be signed "The Puritan Church, by Harrison Parker, its Chancellor," which scurrilous affidavit and exhibits thereto, and said scurrilous answer and exhibits thereto, should be by reference incorporated in this order and made a part hereof for greater certainty, and made a part hereof and marked Exhibits "A" and "B" respectively.

(3) That the filing of said scurrilous affidavit and exhibits thereto, and said scurrilous answer and exhibits thereto, by said Harrison Parker constitutes an obstruction of justice and an abuse of the processes of this Court; which conduct of said Harrison Parker took place while this Court was in open session and tended to lessen the dignity and authority of this Court;

(4) The Court further finds that said Harrison Parker, who is now here present in open Court, is, by reason of said conduct guilty of direct contempt of this Court.

Wherefore, the premises considered:

It Is Ordered And Adjudged that said scurrilous affidavit filed by said Harrison Parker in the office of the Clerk of this Court on January 4, 1945, and said scurrilous answer

filed by said Parker in the office of the Clerk of this Court on January 15, 1945, containing as exhibits thereto "certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16, 1943, and amended at the adjourned meeting held in Chicago on [fol. 17] February 5, 1944," and also a purported copy of a letter on the letterhead of the so-called "Puritan Church of America," addressed to "The Anti-Defamation League, B'Nai B'Rith, 100 N. LaSalle Street, Chicago, Illinois," and purporting to be signed by "The Puritan Church, by Harrison Parker, its Chancellor," and another certain purported copy of a letter on the letterhead of the "Puritan Church—The Church of America," addressed to the "Honorable Francis Biddle, Attorney General of the United States of America, Washington, D. C." under date of December 26, 1944, and purporting to be signed "The Puritan Church, by Harrison Parker, its Chancellor," be and the same are hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth herein, and marked Exhibits "A" and "B" respectively, said scurrilous affidavit filed by said Parker on January 14, 1945, is ordered to be marked Exhibit "A" and said scurrilous answer filed by said Parker on January 15, 1945, is ordered to be marked Exhibit "B".

It Is Further Ordered And Adjudged that said Harrison Parker was and is and hereby is adjudicated guilty of and in direct contempt of this Court; and

It Is Further Hereby Ordered And Adjudged that said Harrison Parker stand committed to and be confined in the County Jail in said County of Cook and State of Illinois for Ninety (90) Days; and

The Court Further Hereby Orders And Adjudges that a warrant of commitment do now issue in due form for the arrest forthwith of said Harrison Parker, directed [fol. 18] to the Sheriff of Cook County, in the State of Illinois, and that when arrested by said Sheriff, said Harrison Parker be committed to said jail and that he be there held for ninety days (90) ....., or until he shall

be otherwise discharged from said imprisonment by due process of law.

ENTER:

DANIEL P. TRUDE,
Judge.

Done this 23d day of January, A. D. 1945.
Bond $1,000.
Mittimus stayed until February 2, 1945.
To the entry of the order plaintiff objects and excepts.

DANIEL P. TRUDE,
Judge.

EXHIBIT "A" TO AMENDED ORDER OF JANUARY 23, 1945

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

IN THE CIRCUIT COURT OF COOK COUNTY.

Harrison Parker, *Plaintiff.*
vs.
Jacob Shamberg, *Defendant.*
No. 43 C 13381

AFFIDAVIT.

Harrison Parker, having first been duly sworn on oath, deposes and says:

Answering questions numbered on the defendant's motion dated December 28, 1944, one, two, three, four, five, [fol. 19] six, seven, eight, nine, ten, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-six, twenty-nine, thirty, thirty-one, this affiant has not now, nor has he ever had in his possesion, power, custody, or control, nor has he ever seen any originals, duplicate originals, and copies of any or all letters, telegrams, writings, memoranda, etc., passing between and also all minutes books, written resolutions, by-laws, trust deeds, contracts, books of account, invoices, receipted bills, cancelled checks, check stubs, bank statements, showing or reflecting any dealings between any of the following persons, firms, corporations, and pretended religious corporations or bodies during the period between January 1, 1940 up to and including the present time:

Answering questions eleven, twelve and thirteen, this affiant, in November, 1944, when he moved his private

files from 4534 Greenwood Avenue, Chicago, destroyed all his correspondence with Messrs. Miner, Norris and Race, along with a lot of other useless and unimportant to him, letters, records, etc.

Answering questions twenty-two, twenty-four, twenty-five and twenty-seven and twenty-eight, this affiant had the original articles of incorporation and their by-laws in his possession some time during 1940 or 1941; these he left with Harris F. Williams, 230 S. Clark Street, Chicago, where they were held, until they were called for and delivered to Mr. Conrad Miner.

Answering question thirty-three, this affiant received the original articles of incorporation and the by-laws from Harris F. Williams and delivered them to Dr. Agnes Richardson of Berwyn, Illinois;

[fol. 20] Answering question Thirty-two, this affiant had them in his possession at one time and delivered them to Mr. Conrad Miner;

Answering questions thirty-four, thirty-five, thirty-six and thirty-seven, this affiant attaches herewith as exhibits A, B, C, and D, all of the requested documents now in his possession, custody, power or control; all others were destroyed when this affiant moved his office, last November;

Answering question numbered thirty-eight, this affiant never did, at any time, under any circumstances, do business "under the name and style of Puritan Church," "The Puritan Church Committee, etc., to Moderator;"

Answering question twenty-three, this affiant never heard of, nor has he ever had, any connection with such an organization;

Answering question numbered Thirty-seven, this affiant attaches herewith all the requested documents which he has at present in his possession, power, custody, or control, with any of the persons, firms, or incorporations numbered 1 to 38.

Harrison Parker.

Subscribed and sworn to before me this 4th day of January, A. D. 1945.

Leah Gonsolin,
Notary Public.

(Seal)

[fol. 21] ATTACHED TO AND MADE A PART OF PARKER'S AFFIDAVIT OF JANUARY 4, 1945.

CERTIFIED COPY OF A RESOLUTION PASSED AT THE JOINT MEETING OF THE ECUMENICAL COUNCIL OF THE PURITAN CHURCH OF THE UNITED STATES AND THE COLLEGE OF DIVINES OF THE BROTHERHOOD OF THE ANCIENT ORDER OF ST. JOHN, HELD AT THE MASONIC TEMPLE, 32 W. RANDOLPH STREET, ON AUGUST 16TH, 1943 AND AMENDED AT THE ADJOURNED MEETING HELD IN CHICAGO ON FEBRUARY 5, 1944.

Whereas, the direct sires of the present members of this Puritan Church fled England to escape the tyranny of government by man, and braved the dangers of the sea, of an unknown forest, a wilderness and the aboriginal Indian, to dwell as free men on American soil;

And Whereas, the direct sires of the present members of this Puritan Church fought and bled at Concord, Bunker Hill, and died at Valley Forge, to establish on the same soil, a government by law, instead of by man;

And Whereas, the constitution of the government thus set up by the Puritans, protects the laboring man in the possession of his cottage, and the millionaire in his palace, the Jew, the Catholic, the Protestant and the Puritan in the worship of God;

And Whereas, this established government invited the peace-loving, the home-loving, the industrious, and the law abiding of the earth, to emigrate to it, and share with the Puritans, the blessings and the happiness that flows from the living under such a government;

And Whereas, along with the peace-loving, the home-loving, industrious and the law abiding, there came to [fol. 22] the hospitable but unprotected shores of this orderly government, a lot of scoundrels, rascals, black legs, riff-raff, and the dregs of the outpouring of the cellars of the earth;

And Whereas, Joseph Medill, an Irish emigrant, arrived in the U.S.A. along with this mixed crowd in the steerage;

And Whereas, as soon thereafter as it was possible, after he had been fumigated and deloused at Ellis Island, this Joseph Medill set up a corporately owned newspaper called the Chicago Tribune, whose money making policy was:

(1) to make circulation by being, in its news and editorial columns, "Agin" the government in power, with libels of its leaders; (2) to make cash dividends by blackmailing the elected public officials to allow it to steal money from the County which protected it in its infamy;

And Whereas, the public records of Cook County show that the Chicago Tribune, under the management of the said Joseph Medill, cheated the law abiding citizens of Cook County of the approximate sum of 15 million dollars, by a cunning and hidden violation of the Constitution of Illinois, by defying the law passed by her legislature and by bribing the elected public officials and the courts;

And Whereas, the stock control of this Chicago Tribune, passed by inheritance, to Eleanor Medill Patterson, and Katherine Medill McCormick, the only living children of said Joseph Medill;

And Whereas, these two women allowed the Chicago Tribune to continue the cowardly and dishonorable policy of their father, whereby another approximately 20 million dollars was stolen by the Chicago Tribune from the unsus- [fol. 23] pecting and docile citizens of Cook County, by the use of the same money stealing scheme that was original with their cunning father;

And Whereas, these two women, Eleanor Medill Patterson and Katherine Medill McCormick, were each detected, tried and convicted and penalized by the United States Government, for withholding from that government an enormous sum of money due to it, as Income Taxes. (The scheme the women used was set up for them, in Weymouth Kirkland's crooked law office; its other tax clients, Moe Annenberg, and other scoundrels had to do long "stretches" in Leavenworth Prison for using similar schemes.)

And Whereas, the stock control of the Chicago Tribune descended again by inheritance from these two women, to Joseph Medill's grandchildren, Robert R. McCormick, the so-called Editor of the Chicago Tribune and Joseph Medill Patterson the Editor of the New York Daily News, and Eleanor Schlesinger, the so-called Editor of the Washington, D. C. Herald;

And Whereas, it is shown and proven in the public records of Illinois that the said Robert R. McCormick is a coward, a liar, a cheat, a thief, a court-fixer, a free-lover, a constitution violator, an all-around scoundrel, whose

private fortune of an acknowledged 16 million dollars, has been accumulated by defrauding the government that protects him, and his fellowman through "phoney" corporations and other schemes devised and set up for him, in the office of the crooked law firm of Kirkland, Fleming, Green, Martin and Ellis, at 33 N. LaSalle Street, Chicago; [fol. 24] And Whereas, the public records show that the said Joseph Medill Patterson kicked out of his life in her old age, the wife ~~of his youth~~ and the mother of his legitimate children, and set up in her place, and in the place of their legitimate children, his more youthful female stenographer, and their son;

And Whereas, the long suppressed but certified records of Cook County show that the Chicago Tribune, under the management of said grandsons of the said Joseph Medill, has stolen from the law-abiding citizens of Cook County more money than was stolen from them, during the combined administration of their grandfather and mothers, and by the use of the same dishonorable scheme;

And Whereas, the public records show that the said Robert R. McCormick has either influenced, intimidated or bribed a United States Court Judge of Chicago, in Case No. 22619, to issue a crooked order which enabled him to enter his best friend's home, to steal his wife and break up his friend's home;

And Whereas, the same public records show that the said Robert R. McCormick either influenced, intimidated or bribed Circuit Court Judges Harry M. Fisher and Joseph Burke, in Case No. 38C-3209, to issue crooked orders in a vain attempt to hide the fact, that the Chicago Tribune, under its management by the Medill-McCormick Patterson families, has stolen the approximate sum of 100 million dollars from Cook County.

(An order by these judges based on the established law of Illinois would have forced the Chicago Tribune to trial; with the facts as they are, and the law as it is, the Chicago Tribune dare not go to trial; it would be [fol. 25] compelled to disgorge all the stolen money; so it either influenced, intimidated or bribed these faithless judges to issue crooked orders by which a trial was prevented.)

And Whereas, the same public records show that the said Robert R. McCormick either influenced, intimidated or bribed Justices Stone, Gunn and Wilson, still sitting on the Supreme Court of Illinois, to write in Case 24881, an opinion more crooked than any ever written by Judge Manton of Atlanta Prison, by which Cook County's legal orderly lawsuit to compel the Chicago Tribune to disgorge millions of dollars it has stolen from Cook County, was temporarily obstructed;

(An order by the Illinois Supreme Court, based on the established law of Illinois would have forced the Chicago Tribune to trial; with the facts as they are, and the law as it is, the Chicago Tribune dare not go to trial; it would be compelled to disgorge all the stolen money; so it either influenced, intimidated or bribed these faithless judges on the Supreme Court of Illinois to issue crooked orders by which a trial was prevented.)

And Whereas, the public records show that said Robert R. McCormick either influenced, intimidated or bribed the entire division of the Appellate Court of Chicago, presided over by Judge Hugo Friend, to write a crooked opinion in Case No. 39804, in litigation in which McCormick and his Weymouth Kirkland had a large money interest in a crooked opinion.

(An opinion of the Appellate Court based on the established law of Illinois would have compelled Kirkland to [fol. 26] go to trial in a matter in which $100,000 was involved; Kirkland dared not go to trial; so he and McCormick either influenced, intimidated or bribed this faithless judge to issue a crooked opinion by which the trial of Kirkland was prevented; thus this cowardly Kirkland was protected, and the honest litigant against Kirkland was outraged and despoiled by the crooked opinion of a crooked judge.)

And Whereas, the public records show that said Robert R. McCormick either influenced, intimidated or bribed Judges Joseph A. Sabath and John Prystalski, of the Criminal Court of Cook County, in Cases 20981 and A40, to "railroad" to Joliet Prison and to the Cook County Jail, for the benefit of this unconscionable scoundrel McCormick, men whom the Supreme Court of Illinois records in Cases 20981 and 25595 show to be innocent of the charges for which they were "railroaded."

And Whereas, by reason of the corruption by said McCormick and his crooked lawyers, of all the Courts of Illinois, from Eugene McGarry's Municipal Court up to and including Francis Wilson's crooked Supreme Court of Illinois, the combined money fortunes of the Medill-McCormick-Patterson family, now amounts to the dangerous figure of 125 million dollars;

And Whereas, this swollen and dishonestly gained money fortune started by the penniless and ungrateful emigrant, Joseph Medill, has descended to the third generation without the payment of a single cent of any of the legally imposed taxes, except a small one paid on the estate of Eleanor Medill Patterson; (The other sister, Katherine Medill McCormick died one of the richest persons who have [fol. 27] died in Chicago during the last 30 years). She was born, wed and buried in Chicago. All her children were born in Chicago. Her father before her had lived for 50 years in Chicago. At his death, the family home in Wheaton, where Robert R. McCormick now resides, became her home. A frequent world traveller, she died sojourning in Paris, France. Her body was returned to Chicago and deposited in the Medill family plot in Rosehill Cemetery.

Before she left for her last visit to France, Mrs. McCormick made a new will. Weymouth Kirkland wrote it for her. In it she clearly stated that she was a resident of the City of Chicago; she was proud of it. Before her departure for France, she wrote to the Collector of Internal Revenue for the United States with whom she had large money transactions, a letter in which she officially gave him her address as Chicago.

When her will was offered for probate as it was in the Probate Court of Cook County, there was due from her estate to the State of Illinois, an enormous inheritance tax. Robert R. McCormick was the executor of the will and one of the principal beneficiaries of this enormously rich estate.

Robert R. McCormick, who had been taught with his mother's milk to cheat and defraud whenever he could, determined to swindle the State of Illinois of that inheritance tax. A politician, Harry B. Ash, "supported" for office by the Chicago Tribune, was in charge of the inheritance tax division of the office of the Attorney General of Illinois.

[fol. 28] Robert R. McCormick, quietly with no "publicity," appeared before that faithless politician, arose on the witness stand, took an oath to his God to tell the truth and then lied like a horse thief; he swore that his mother, Katherine Medill McCormick was not a resident of the State of Illinois. McCormick was followed on the witness stand by the four-times indicted Weymouth Kirkland. He also took the oath to his God to tell the truth; then, with a straight face, he, too, swore that Katherine Medill McCormick was not a resident of the State of Illinois. To curry favor with the degenerate son of a dead and defenseless client, Weymouth Kirkland, a lawyer, thus repudiated a mandate in a will which a client for reasons of her own, had paid him a large fee to insert in it.

The politician, Harry B. Ash, upon the self-serving testimony of these two dressed-up, pink-scented scoundrels, decided that Katherine Medill McCormick was not a resident of the State of Illinois. By that one man decision, the State of Illinois was robbed of an enormous sum of money due to it, and Robert R. McCormick and his crooked lawyer, Weymouth Kirkland, were correspondingly enriched.

But, the established law of Illinois is that residence is purely a matter of intent; there is no other law. Katherine Medill McCormick, having expressed in writing, in her last will, that she was a resident of the State of Illinois, the decision of Ash to the contrary is void. The estate of Katherine Medill McCormick still owes the State of Illinois the money due to it for the inheritance from that enormous estate; it can be collected; it will be collected [fol. 29] with interest; fraud is never outlawed in Illinois, even when committed by Robert R. McCormick and Weymouth Kirkland, as it was in this infamous transaction with the State that protects them and their vast property.

The facts and the evidence of the Chicago Tribune's 100 million dollar steal from Cook County and Robert R. McCormick and Weymouth Kirkland's pollution of the entire court system of Illinois, in a vain effort to hide their crimes, is even worse than it is in the above summary of the evidence, dug from actual public records.

For years, all the deacons and nearly all the members of the Puritan Church believed that the Chicago Tribune was the palladium of their liberties. Recently, by an Act

of God, there was revealed to this Church, evidence from the private papers of the Medill family, that since the year 1873, while the Chicago Tribune was hypocritically shouting that it was a free press watching the "interests of the public," it was robbing Cook County of a sum of money which now amounts to approximately 100 million dollars. Every dollar of stolen money has been traced into the private bank accounts of Robert R. McCormick, the editor of the Chicago Tribune, Joseph Medill Patterson, editor of the New York Daily News, and Mrs. Eleanor Patterson Schlesinger, the editor of the Washington D. C. Herald, and into the bank accounts of the other stockholders of the Tribune, who have become millionaires by reason of the Chicago Tribune's enormous money thefts from Cook County.

[fol. 30] Before making public the cowardly crimes and the constitutional violations which the evidence reveals were committed by Robert R. McCormick, the Puritan Church submitted the evidence to the best legal authorities. All pronounced the evidence to be irrefragable; all say that for committing the crimes he has, particularly fixing crooked judges to write crooked opinions, Robert R. McCormick should be either incarcerated in an insane asylum or taken out by a posse of indignant and robbed fellow citizens, and either shot or hanged to an oak tree, as was done in Illinois when horse stealing instead of stealing money from the County was the principal occupation of gentry of the ilk of Robert R. McCormick.

His grandfather, Joseph Medill, was a typical product of the "Tragic Era" during which he lived. Base, ignorant, and selfish by nature, cunning, hypocritical and greedy by training, the midnight steal of the lease on the property of the school children of Chicago, by which the school children were deprived of penny lunches, and the Medill Family enormously enriched by the fraud, was the outstanding event of his selfish career. This deal was put through the School Board by A. S. Trude, the general counsel for the Chicago Tribune and also at the same time the president of the School Board. In 1925, the Chicago Tribune sold this lease for a profit of $6,040,000 cash, according to its own books.

A multi-millionaire at his death, Joseph Medill died, not leaving to Chicago even a book for its public library, or

a plant for its public parks. His daughter, Katherine Medill McCormick, was a "chip off the old block." Ignorant, penurious, crass and materially ambitious, her [fol. 31] enormous expected money inheritance from her father enabled her to marry into a socially prominent Chicago family. The influence of the Chicago Tribune and the socially prominent husband whose bills she grudgingly paid, permitted her to live in the capitols of Europe, where she could "rub noses" with "royalty," and laud it over them with her American dollars.

Her son, Robert R. McCormick, was also "a chip off the old block." He was practically brought up by cheap servants, while his mother was gadding about Europe. But he had the advantage of good schools and Yale University. There is no defense like ignorance, which his grandfather and mother had, to the crimes against his state and his fellow man, which the evidence in the possession of the Puritan Church reveals he committed, except that he is, also, insane. His only brother, Medill McCormick, was pronounced incurably insane by the celebrated alienists, Patrick, Worthy and Jung. A raving maniac, Medill McCormick had to be taken in his pajamas off a New York Central train at Syracuse and held there, in a common jail, in a padded cell, until he could be soothed. Later, he died in Washington, D. C., under circumstances in which raving maniacs usually die.

The "What a Man" letter written by McCormick; his statement that the U. S. War Department consulted him about the defense of Detroit against a friendly nation; his antics at social gatherings that he might be considered the "life of the party"; his insistence that he be given the "seat of honor" at banquets, and be permitted to speak on the subject of the evening, whether or not he [fol. 32] or his "ghost writers" know anything about the subject; the "railroads" of innocent men to prison in which he has engaged; the cowardly crimes he had wantonly committed, in order to make himself a muti-millionaire; his insistence that the Police Department of Chicago ride him home in one of the department's "Squad Cars" at the public's expense; his law-suits with his farm neighbors about trifling money matters; his attempt to "welch" on a debt of honor; his employment and close association with professional murderers, like Jack Gentleman, Mossy

Enright, Gyp the Blood, Philadelphia Jack Barry, and other hoodlums and anonymous letter writers, like Al Capone and Jake Lingle, indicate that there might be a screw loose in the mental machinery of Robert McCormick, as the celebrated alienists found there was in that of other members of his immediate family.

His position as the head and control of an important newspaper which he occupies by an accident of birth; his known hatred for the Jews, the Puritans and the Negroes; his means for inciting other men against them; (he employs that self-confessed news fakir, J. Loy Maloney, as the managing editor of the Chicago Tribune) his insistence that he be the political "Boss" of Illinois, and the head of the Republican Party in the U. S.; his demands that he be permitted to run an important war on two fronts, even when his ideas are counter to those of the same West Point trained military officers of the U. S. Army; his control of over 100 million dollars with the right in his obvious mental condition, to spend it as he chooses, even to [fol. 33] the destruction of our government, compels the Puritan Church in its duty to its otherwise defenseless congregation, and to its neighboring defenseless congregations, to proceed in view of the fear of public officials of the blackmailing Chicago Tribune, to the criminal prosecution of this man, if he be sane, or his incarceration in a suitable institution, under guard, if he be insane. No orderly society can endure, in which a man who is either a criminal or insane, insists upon the leadership of it by his inherited control of a privately owned money-making corporation called a newspaper.)

And Whereas, the public records show that all the Judges who issued the obviously crooked orders and opinions for McCormick, his newspaper and his crooked law firm, were unqualifiedly advocated and re-elected by the "support" and endorsement of the Chicago Tribune, to places on the Circuit and Superior Courts of Cook County, and to the Appellate and Supreme Courts of Illinois, where they now sit passing judgment on the lives and property of defenseless men and women who have no way in the law of Illinois, to protect themselves against the depravities which such scoundrels will commit under the cover of a court order and opinions;

And Whereas, the said McCormick has already started

atrocities on the Jews, the Negroes and the Puritans, by having one of his crooked judges write a crooked opinion under which a Puritan was "railroaded" to the Cook County Jail and held there, while unspeakable atrocities were inflicted upon him there by Howard Ellis of the Notorious law firm of Kirkland, Fleming, Green, Martin [fol. 34] and Ellis, the lawyers for McCormick in all his cowardly "railroads" of innocent men, and his thieving operations to increase his private fortune;

And Whereas, Dwight H. Green, McCormick's Governor of Illinois, by the orders of the same McCormick, has and is violating Article 5 of Section 6 of the Constitution of Illinois;

And Whereas, one Werner Schroder, McCormick's member from Illinois of the Republican National Committee, walks in and out of the back doors of the chambers of the crooked judges of the Supreme Court of Illinois, to make political deals for them and with them, and for the said Robert R. McCormick;

And Whereas, neither life, nor property nor reputation, neither the Jew, Negro or the Puritan is safe, when the Constitution of Illinois is violated, its law defied, its courts corrupted, and the elected state officials from the Governor of the State down to the policeman on his beat, who allows the "bookies" to operate, are under the domination of a man whose public record is that he is a liar, a cheat, a thief, a court-fixer, a constitution violator, a free-lover, and an all-around scoundrel, and a white-livered coward;

And Whereas, the courts of Illinois are unable to cope with the power of this corporately owned newspaper; to withstand its threats, its bribery and its blackmail; its interference in the nomination and election of judges by control of ward committeemen and county organizations, and its praise for judges who obey the orders of its McCormick, no matter how corrupt such judges may be, and by its assaults upon and abuse of honest judges, who refuse to carry out such orders, is creating a situation [fol. 35] where the courts of Illinois are not open to the citizens of Illinois;

And Whereas, the constitution of the United States provides that no citizen shall be deprived of life, liberty or property without due process, when as a matter of fact,

due to the corrupt power wielded by the said McCormick and his privately owned Tribune, citizens of Illinois have been and are denied due process of law and equal application in all cases in which the said McCormick and his newspaper or his lawyers are a partisan or interested, and the State of Illinois is denied the republican form of government guaranteed to it by the United States Constitution;

And Whereas, by reason of the power of the said McCormick and his Tribune, and their corrupt use of money, their power to frighten and intimidate public officers of said State of Illinois, including the Governor, its Legislature, and its Supreme Court, it is impossible for citizens of Illinois to have the help of such public officers in bringing said McCormick and the said Tribune before any court where complaints against them will be given a fair trial.

Now, Therefore, Be it Resolved, and it is Hereby Resolved, that the Federal Government at Washington, D. C., be petitioned and it is hereby petitioned under the first and fourteenth amendments to the Constitution of the United States of America, to:

1. Convene a Federal Grand Jury to investigate the evidence under which each and every charge in this petition is brought; if it be true that the civil liberties of Nationals living in Illinois have been invaded by the scoundrelism [fol. 36] that is rampant in Illinois, then,

2. Place Illinois, by the war powers conferred upon our President, Franklin Delano Roosevelt, under military rule;

3. Convene a military court, and under the rules of such a court try for the crimes which they are charged with having committed against the civil liberties of the Nationals who are compelled to dwell in Illinois, the following men: Robert R. McCormick, Joseph Medill Patterson, Weymouth Kirkland, Judges Harry M. Fisher, Joseph Burke, John Prystalski, Hugo Friend, Joseph A. Sabath, and Justices Wilson, Gunn and Stone of the Supreme Court of Illinois. If found guilty, they should be taken out either by soldiers or a posse of civilians and shot, as a warning to other scoundrels, that our Federal Government will not tolerate the violation of a State Constitution, and the "railroad" to prison or jail of innocent men by the order of crooked judges in the hire of this scoundrel, McCormick;

4. Collect from Robert R. McCormick with interest, every cent of the inheritance tax due to the State of Illinois from the estate of Katherine Medill McCormick;

5. Collect from the Chicago Tribune with interest, every cent it has stolen from Cook County;

6. Call a Constitutional Convention in Illinois, to make a new constitution which in the future will prevent thieves from obtaining the control of a newspaper and using it to blackmail fortunes for its stockholders.

7. Re-establish in Illinois the republican form of government guaranteed to every state by the Constitution of the [fol. 37] U.S.A., which has been destroyed in Illinois, by the illegal and unconstitutional operations of the Chicago Tribune, McCormick, Kirkland, Patterson and their crooked judges.

And, Be it Resolved, and it is Resolved, that a Committee consisting of Conrad Miner, Charles Norris and Harrison Parker be, and they are hereby appointed to deliver this petition of our grievances to the proper United States Government authorities, and to do such other things as may be needed to prevent government of the people, by the people and for the people, being destroyed in Illinois, by the scoundrels led by Robert R. McCormick, Joseph Medill Patterson and their notorious Weymouth Kirkland.

.....

The Appointed Secretary
of the Joint Meetings

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

Harrison Parker, being duly sworn, deposes and says that he was the appointed secretary of the Joint Meetings of the Ecumenical Council of the Puritan Church of the United States, held at the Masonic Hall, 32 W. Randolph Street, Chicago, on August 16, 1943, and in Chicago on February 5, 1944; that Deacon William Ede presided; that the above is a true amended copy of one of the resolutions unanimously passed at said meetings.

.....

Subscribed and sworn to before me this————day of January, A. D. 1945.

Notary Public.

[fol. 38] ATTACHED TO AND MADE A PART OF PARKER'S AFFIDAVIT OF JANUARY 4, 1945.

THE PURITAN CHURCH—THE CHURCH OF AMERICA.

The Anti Defamation League,
B'Nai B'Rith,
100 No. LaSalle Street,
Chicago, Illinois,

Gentlemen:

The Puritans of the U.S.A., organized into their Puritan Church, would like to work co-operatively and effectively with the Jews of the U.S.A., organized into their Anti Defamation League, to protect the institutions of the existing form of government, which if allowed to function naturally, and without any change, would automatically protect Jew, Catholic, Protestant, Puritan, the "laboring man," the Capitalists as well as all other groups.

Under the form of government of the U.S.A., as it exists, all could and should be Americans. There should not be groups of C.I.O.s, Manufacturers, Jews, Catholics, Protestants, Puritans, etc., which are being formed all over the country, at an alarming rate. The very fact that such organizations are being organized and growing so rapidly, shows that there is a general feeling that the government is no longer "a government of all the people, by all the people, for all the people," as it was originally described by a Puritan, Theodore Parker, and repeated by Lincoln.

The Puritan Mother grimly took her austere baby in her religious arms, and fled Europe over the ocean to bring up in a log cabin on American Soil, her little child to obey God—come what might come to him, come what might to other men—to obey God at all times.

To do that first, and all else as incidental to that, the direct Sires of the present members of this Church, set up the existing form of government, with their blood shed at Concord, at Bunker Hill, and at Valley Forge, fighting with guns along with Washington.

[fol. 39] The Puritan idea of government thus set up, is founded in human nature, and comes from the nature of God, who made human nature. To carry it out politically is to execute Justice, which is the will of God. This idea,

in its realization, leads to a democracy, a government of all, by all, for all.

To enjoy the shelter and the prosperity which naturally flows from such a government, the Puritans invited the Jews, the Catholics, and all other decent men and women throughout the world, to come to America and partake here, of the blessings which God always sends along with His shelter and His prosperity. And they came, by the millions, and working along with the Puritans, they made the U.S.A. the most powerful nation of the whole world, and the envy of the tyrants whose shores the Jews and the Catholics and all other groups, deserted to become Americans.

Now under the name of liberalism with specious promises of securities which are impossible under a government operating under the orderly laws of God, some scoundrels, some agitators, some self-styled editors, some wolves in sheep's clothing, some men insane from indulgence in the rich food and the luxury which always flow from an orderly government, are attempting with cock-eyed ideas on government, to destroy the form of government set up by the Puritans.

These, and their ideas, the descendants of the original Puritans in the Tenth Generation born on American Soil, and still members of this Church, will oppose; even if it be necessary to spill more blood on American Soil.

The law abiding, peace loving Jews, have as much of a stake in maintaining the existing form of government in the U.S.A. as the Puritans have. Therefore, this Church is writing this letter to you, to invite you to work co-operatively and effectively with it, for our mutual self-protection and for the mutual protection of our children and our homes.

In our previous letter to you, we stated that this Church had indisputable evidence that the Chicago Tribune, by a violation of the Constitution of Illinois, by a defiance of the law passed by her legislature and by the corruption of the entire Court system of Illinois, from [fol. 40] Eugene McGarry's corrupt Municipal up to and including Francis Wilson's crooked Supreme Court of Illinois, had stolen from the defenseless State of Illinois, a sum of money which with penalty and interest added,

now amounts to the approximate sum of 100 Million Dollars;

That one part of the stolen money had been checked out by the Tribune Company to its greedy multi-millionaire stockholders as cash dividends, at the rate of 500% per month, on an invested capital of $200,000; and the other part had been invested in a "Canadian Empire" that is now appraised at 50 Million Dollars cash;

That the steal was accomplished by the open notorious cowardly and illegal connivance between the Tribune Company, the owners of the Chicago Tribune, and two Jews: one Harry M. Fisher, a Judge of the Circuit Court of Cook County: and the other, Jacob Shamberg, the Assistant State's Attorney of Cook County;

That both of these gentlemen had been paid a large salary by the State, to protect the State, and both according to the evidence in our safe deposit vault, had in order to gain the favor of the thief, the Chicago Tribune, had criminally sold out the State which they had been paid to protect;

That this Church intended to compel the Chicago Tribune to disgorge every cent of the stolen money, and drive both Harry M. Fisher and Jacob Shamberg off the public pay-roll and into the obscurity that both had merited by their venal conduct in state affairs;

That strict legal evidence of the disgraceful conduct of both these gentlemen now in the possession of this Church, was open to your lawyers;

That if the evidence in the opinion of your lawyers were not perfect, this Church would proceed no further: that if it were perfect, this Church desired the Anti Defamation League to stand by its side, in the fight it intends to make on all concerned in this outrage on our government, if for no other reason than to prevent the fight on these men being called a fight against Semitism.

[fol. 41] Your answer to that letter addressed to the Anti Defamation League is here quoted:

> "I have referred this matter to our Director, Mr. Gutstadt, who desires that I advise you that this does not fall within the preview of the Anti Defamation activities, and we therefore will be unable to be of service to you.
>
> Very truly yours,
>
> Stanley S. Jacobs."

Notwithstanding this curt personal answer of the individual and unknown Mr. Jacobs, to an important letter addressed to your League by this Church, the Puritan Church still desires to woork co-operatively and effectively with the Jews, to protect the existing form of government for them as well as for the Puritans, and all other law-abiding and peace-loving groups.

The theft of a 100 Million Dollars from the State, by the Chicago Tribune, is a small matter compared with the pollution of the Courts of Illinois, which Robert R. McCormick, the Editor of the Chicago Tribune, personally ordered in a vain attempt to hide the enormous steal.

The Courts under the form of government set up by the Puritans, are the last bulwarks of our Liberties. When they can be corrupted as the record shows they have been, by the named men, neither Jew, Catholic, Protestant nor Puritan is any longer safe: life and reputation are in danger, and property is not worth the efforts to accumulate it: all are held at the sufferance of the scoundrel who can and will corrupt the crooked courts.

It is the opinion of our trustees, that in our previous letter, we did not adequately describe the evidence in the possession of this Church, which it intends to use in a national fight against the corruption existing in the Courts, whether the organized Jews fight side by side with it, or whether they fight against it. Here is the complaint of the Puritan Church:

The public records of Illinois show that for 66 consecutive years, the Chicago Tribune violated the Consti- [fol. 42] tution, defied the law passed by her legislature, and corrupted the public officials and the Courts, to aid it in its enormous steals.

When the evidence of its crimes were discovered and presented to Jacob Shamberg, the Assistant State's Attorney, responsible for the prosecution of such crimes, he refused to act. With the identical facts and identical law, he proceeded against the Pioneering Tailoring Company, which had committed against the State of Illinois, the same crime which the Chicago Tribune had. From the Pioneering Tailoring Company, he recovered for the defrauded State of Illinois, every cent of the stolen money: there was less than $20,000 involved in its steal, while

there was 100 Million Dollars involved in a like steal by the Chicago Tribune.

When Shamberg refused to act against the politically powerful thief, the Chicago Tribune, a taxpayer filed a lawsuit to compel it to disgorge its loot. Then, Shamberg joined the Tribune lawyers in attacking and slandering the brave citizen, and he made before the Courts obviously crooked motions aimed to illegally defeat the State and aid the Chicago Tribune to cover its steal.

One of these crooked motions was made by Shamberg before Judge Harry M. Fisher, before referred to in case 38-C-320.

The illegal order issued by Fisher in that case at the request of Shamberg to swindle the State which paid both Fisher and Shamberg to defend it, was more crooked than any ever issued by Judge Manton of Atlanta Prison.

This Church has a certified copy of Shamberg's crooked motion and Fisher's crooked order. No Court of final jurisdiction has ever upheld a single one of Shamberg's crooked motions, or Fisher's crooked orders: these will be submitted to your lawyers. If you do not agree in what we say about them, this Church will proceed no further in this matter. If they do agree, the Anti Defamation, as well as every other League of good citizens should be fighting with the Puritans.

[fol. 43] This order of the faithless Fisher in this litigation, appealed to the Supreme Court of Illinois, was so crooked that the entire Supreme Court of Illinois had to be either influenced, intimidated or bribed by the Chicago Tribune to write a crooked opinion, in case 24881, reported in 370 Illinois Supreme, at page 243, in a vain attempt to cover Fisher's judicial depravity: it is so crooked that even a corrupted Supreme Court cannot cover it, even with adroit language: it could not end the litigation as it was corrupted to do: a cause of action still remains.

If your lawyers will read this record and report after examining it, that it is not as vile as we have carefully described it, this Church will proceed no further against either Fisher or Shamberg. If your lawyers do report that it is as vile as we have described it, then the Anti Defamation League cannot afford not to co-operate with the Puritan Church in its determination to clean up the crooked Courts. Such Courts are as much a menace to

the Jews as they are to the Puritans: a crooked Jew Judge is as dangerous a foe to law and order and humanity, as a crooked Puritan, a crooked Protestant, or a crooked Catholic Judge.

Yes, the public records show that Robert R. McCormick, the Editor of the Chicago Tribune, is an all around scoundrel: he and his family under the constant plea for more "freedom from the press" have stolen from the State which protected them: more money than was stolen by the Tweed gang of New York, the Pendergast gang of Kansas City, and the Kelly gang of Chicago. The Medill McCormick Patterson fortune is the filthiest fortune ever accumulated in the U.S.A., according to the public records.

Yes, the Chicago Tribune is a powerfully entrenched, privately owned and corrupt newspaper.

Yes, the Chicago Tribune has on hand a surplus of more than 100 Million Dollars stolen from the State of Illinois, which it does not hesitate to use to destroy men who are brave enough to call it from court records, a menace to our form of government, and Robert R. McCormick who [fol. 44] has the stock control of it, a thief, a liar and a court fixer.

Yes, Robert R. McCormick has been the employer and business associate of hired Assassins, like Mossy Enright, Jake Lingle, Jack Gentleman, Philadelphia Jack Barry and other gangsters and murderers.

Yes, Robert R. McCormick employs as his general counsel, the eight times indicted Weymouth Kirkland, who has also been the general counsel for Moe Annenberg and other thieves, law-breakers and thugs: he is not allowed to practice law in the Courts of New York State. In the Appellate Court, in file No. 39804, there is proof that this Kirkland is a common hoodlum dressed up as a lawyer.

Yes, Robert R. McCormick, employs as the Managing Editor of the Chicago Tribune, the self-confessed "news faker" J. Loy Maloney; no government, no man, no property is safe with a news faker in charge of the news department of a Daily Newspaper.

Yes, Robert R. McCormick introduced scoundrelism into Journalism, hoodlumism into practice of law, and gangsterism into the business life of Illinois.

Yes, in Chicago now dominated in all departments of its government by men personally selected by Robert R.

McCormick and bally-hooed into office by the dishonest praise of his corrupt Chicago Tribune, the "scale" price or murder is $300. Any Jew, any Puritan, at any time, can be murdered on the Streets of Chicago and the murderer will go unpunished for $300.00. This Church possesses the evidence of the "scale" price, and it has strict legal evidence that since the "scale" price of murder was now dropped within the reach of all, the Tribune law firm founded by Robert R. McCormick, has tried several little "murder jobs" and has "railroaded" at least one innocent man to Joliet Prison where he was held for 8½ long years, and at least one innocent man to the Cook County Jail, where he was held until the cowardly and unscrupulous Weymouth Kirkland uninvited, personally called at the Jail and there released the outraged man, [fol. 45] as easily as he had been locked there by the Tribune law firm in a vain attempt to blackmail him to dismiss an orderly legal lawsuit which he had courageously filed against the blackmailing law breaking, constitution violating Chicago Tribune.

With these facts before them and a proffer of strict legal evidence to substantiate each and every allegation carefully made in this letter, we do not know what the Anti Defamation League of the B'Nai B'Rith is going to do. But we know what the Puritan Church is going to do: it is going to fight to restore and maintain in the U.S.A. the orderly law of God, as it is expressed in the Declaration of Independence, in the Constitution of the U.S.A. and the hearts of all decent men and women. And it is going to ask every man and woman in Illinois, with either property, children, or any other stake in the preservation of orderly peaceful government, to uphold it in spirit, if not with money, as the Anti Defamation League is upheld by the money contributions of the Jews, to end the anarchy that now exists in Illinois, with Judge Harry M. Fisher on the Circuit Court of Cook County and Jacob Shamberg as the Assistant State's Attorney of Cook County.

If the "activities" of the Anti Defamation League are confined as Mr. Jacobs intimates in his curt letter to merely protecting the Jews, even when they are engaged in destroying "from within" the institutions of govern-

ment which should protect all of us, it is time to widen its "activities" to protect the government which would automatically protect the Jews, if the Jews would join the Americans and compel it to function as it is outlined in the Declaration of Independence, in the Constitution of the U.S.A. and in the hearts of all decent men and women. We are

Very truly yours,
The Puritan Church:
By: .....

Harrison Parker,
Its Chancellor.

[fol. 46] ATTACHED TO AND MADE PART OF PARKER'S AFFIDAVIT OF JANUARY 4, 1945.

ATTACHED TO AND MADE PART OF PARKER'S AFFIDAVIT.

December 26, 1944

Hon. Francis Biddle
Attorney General of The U.S.A.
Washington, D.C.

Dear Sir:

I have been directed by the Ecumenical Council of The Puritan Church to forward to our Federal Government their petition of their grievances. This, by its order, was held until after the recent national elections and the Christmas holiday.

Robert R. McCormick, the editor of the Chicago Tribune and his crooked lawyer, the eight times indicted Weymouth Kirkland, have introduced scoundrelism into journalism, hoodlumism into the practice of law, and gangsterism into the business life of Illinois. They have corrupted the entire court system of Illinois, from Eugene McGarry's corrupt Municipal up to and including Francis Wilson's crooked Supreme Court of Illinois.

Neither life nor property nor reputation is any longer safe in Illinois. The "scale" price of murder in Chicago has been reduced to $300.00. There is strict legal evidence that Weymouth Kirkland, a hoodlum, and Howard Ellis, known as a writer of scurrilous anonymous letters, dressed

up as the "Tribune law firm," have been behind several attempted murder jobs in Chicago.

These gentlemen by the corruption of the entire taxing machinery of Illinois, and the pollution of its Courts to allow their depravities, have made it possible for the Chicago Tribune, a close private corporation, to steal from the defenseless State of Illinois, a sum of money which with penalty added, now amounts to the enormous sum of one hundred million dollars.

Our Puritan mothers took their austere babies in their religious arms and fled Europe over the ocean, to bring up on American soil their little children to obey the laws of God—come what might come to them, come what might come to other men—to obey the laws of God at all times. [fol. 47] Anarchy is the reverse of the law of God. According to the evidence in the possession of this Church, Robert R. McCormick and his Weymouth Kirkland are anarchists, destroying "from within," the government by law, set up with the blood of the direct sires of the present members of this Church, shed at Concord, at Bunker Hill and at Valley Forge.

The local Grand Jury has been "packed" by these unconscionable scoundrels, Robert R. McCormick and Weymouth Kirkland. Access to it has been sought and refused to men and women who have strict legal evidence of every allegation made in the enclosed petition of our grievances and repeated in part in this letter, and the legal right to appear with it before a Grand Jury.

We respectfully petition our federal government to convene in Chicago a special U. S. Grand Jury, in charge of a special prosecutor, in order that our complaints may have an orderly hearing such as is guaranteed to us by the Constitution of The United States.

We are,

Very truly yours
The Puritan Church
By .....
Harrison Parker
Its Chancellor.

ATTACHED TO AND MADE A PART OF PARKER'S AFFIDAVIT OF JANUARY 4, 1945.

THE PURITAN CHURCH—THE CHURCH OF AMERICA.

December 20, 1944.

The Illinois League of Women Voters,
225 North Michigan Avenue,
Chicago, Illinois.

Dear Mesdames:

This Church would like to work co-operatively and effectively with you, to amend the Constitution of Illinois. It can be re-written, only if the fight necessary to accomplish it, be around the depravities which the millionaire stockholders of the Chicago Tribune have committed, under the present Constitution.

[fol. 48] There is in the possession of this Church, strict legal evidence that by a violation of the Constitution of Illinois, for 66 consecutive years, the Chicago Tribune stole from the defenseless State of Illinois, a sum of money which with interest and penalty added, now amounts to the approximate sum of 100 Million Dollars.

In a vain attempt to hide this enormous steal, the Courts of Illinois from Eugene McGarry's corrupt Municipal, up to and including Francis Wilson's crooked Supreme Court, had to be either influenced, intimidated or bribed to ignore the Constitution of Illinois and defy the law passed by her legislature.

One part of the stolen money was paid out by the Chicago Tribune to its multi-millionaire stockholders, as monthly cash dividends, at the rate of 500% per month on their invested capital of $200,000; the other part was used to acquire a "Canadian Empire" which is now appraised at 50 Million Dollars.

The corporate surplus of the Chicago Tribune is over 100 Million Dollars; every cent of this would be used by the Chicago Tribune, if necessary to defeat any change in the present Constitution which has permitted it with the connivance of crooked Judges, to steal the money it now has. All this evidence is available either to your Lawyers, or to you in open meeting, to which the Chicago Tribune should be invited to attend.

The 20 odd Chicago Tribune stockholders do not want an income tax in Illinois: therefore, their privately owned newspaper will oppose you, and defeat you, unless you determine that the interests of the State are above the interests of the multi-millionaire stockholders of the Tribune. By hypocritically concealing its private interest behind a plea of a public interest, the tax thieves who have had the control of the Chicago Tribune, for three generations have defeated every attempt made by the decent persons of Illinois, to re-write its antiquated Constitution.

The seemingly public spirited editorial printed in today's Chicago Tribune, is a sample of the dastardly and cowardly influence which you and all other decent citizens must [fol. 49] fight, if Illinois is to be rescued from its jungle state.

Under the specious plea, that it is protecting the interests of the "boys at the front," the Tribune cunningly says, the Constitution must not be amended in their absence. Yet the records of Illinois show that while the "boys" were at the "front" in 1918, the Chicago Tribune stole from the State of Illinois, 12 Million Dollars, which it transferred to its stockholders as cash dividends. While "our boys" are at the "front" now, the Chicago Tribune with the connivance of the Kelly-Nash Machine which it keeps in power, has stolen another approximate Three Million Dollars.

A fight to re-write the Constitution will again end in naught. But a fight on the Constitution violations of the multi-millionaire Chicago Tribune, will as a "cushion spot," cause a public indignation which will result in the re-writing of the Illinois Constitution. Your organization having undertaken the task which it has, will lose its influence, unless it accomplish what is has undertaken.

We trust that you will send your counsel to view the evidence to which we have referred in this letter. If it be what we assert it is, we also hope that you either work co-operatively and effectively with us, or you permit us to work co-operatively and effectively with you.

Very truly yours, The Puritan Church, by Harrison Parker, Its Chancellor.

ATTACHED TO AND MADE A PART OF PARKER'S AFFIDAVIT OF JANUARY 4, 1945

IN THE CIRCUIT COURT OF COOK COUNTY

December 25, 1944.

Dear Dr. Richardson:

A very rich man of New York City has set up in New York City a trust fund, the proceeds of which are to be used to promote the activities of the Puritan Church. Inasmuch as the Puritan Church has no debts and all of its contemplated activities are adequately financed, I am [fol. 50] turning the first check from that fund, over to you, with the recommendation that you take it to Knight and Wilson, the agents for the building where we have our Chancellery, and ask them to accept it as advance payment for several months rent. This is merely a suggestion. As I recall it you signed the Lease.

Sincerely Harrison Parker.

EXHIBIT "B" TO AMENDED ORDER OF JANUARY 23, 1945

STATE OF ILLINOIS, } ss.
COUNTY OF COOK, }

THE PURITAN CHURCH—THE CHURCH OF AMERICA

Harrison Parker,
Plaintiff,
vs.
Jacob Shamberg,
Defendant.
} No. 43 C 13381

ANSWER

Plaintiff denies that he is "guilty of direct contempt of Court for filing in the Office of the Clerk of the Circuit Court of Cook County, on January 4, 1945, a certain affidavit containing as a part thereof certain false, malicious, scurrilous and defamatory exhibits purporting to be 'certified copy of a resolution passed at the joint meeting of the Ecumenical Council of the Puritan Church of the

United States and the College of Divines of the Brotherhood of the Ancient Order of St. John, held at the Masonic Temple, 32 W. Randolph Street, on August 16th, 1943,' and amended at the adjourned meeting held in Chicago on February 5, 1944, and also a purported copy of a letter on the letterhead of the so-called 'Puritan Church of America', addressed to 'The Anti Defamation League, [fol. 51] B'Nai B'Rith, 100 N. La Salle Street, Chicago, Illinois', and purporting to be signed by the 'Puritan Church, by Harrison Parker, its Chancellor'; and another certain purported copy of a letter on the letterhead of the 'Puritan Church—The Church of America', addressed to the 'Honorable Francis Biddle, Attorney General of the United States of America, Washington, D. C.', under date of December 26, 1944, and purporting to be signed 'The Puritan Church, by Harrison Parker, its Chancellor', in obstruction of justice and in abuse of the processes of the Circuit Court of Cook County and in manifest pursuance of a scheme to insult, defame, scandalize and blackmail the persons, firms and corporations mentioned in said scurrilous affidavit and exhibits thereto; all in disrespect of and in derogation of the authority and dignity of the Circuit Court of Cook County"; and he denies that any of these instruments filed were "in obstruction of justice and in abuse of the processes of the Circuit Court of Cook County and in manifest pursuance of a scheme to insult, defame, scandalize and blackmail the persons, firms and corporations mentioned in said scurrilous affidavit and exhibits thereto all in disrespect of and in derogation of the authority and dignity of the Circuit Court of Cook County"; and he denies that it, or any of it, is "all in disrespect of and in derogation of the authority and dignity of the Circuit Court of Cook County"; and plaintiff makes his answer in opposing the motion of the defendant herein to have plaintiff punished for direct contempt of court, or that a mittimus issue forthwith.

[fol. 52] 1. The plaintiff denies that he is guilty of direct contempt of court for having filed a certain affidavit containing as a part thereof, certain false, malicious, scurrilous and defamatory exhibits and matters hereinabove referred to, for the reason that each, every and all of the said exhibits thereto attached were and are a part of the record and/or communications of the said church as an

organized and existing religious corporation protected by the laws of the State of Illinois and the Constitution of the United States; that each and all said records and communications are properly chargeable to, and the responsibility of, said religious corporation; and that this plaintiff acted in his official capacity as an officer of said religious corporation, and not as an individual, in complying with the order entered against him which has brought on this contempt proceeding, for in his individual capacity, he would have had no access to any of the said records or communications of the said religious corporation.

2. Plaintiff answers that the motion heretofore granted by the Court to the defendant, requiring the plaintiff or other parties to bring in any matters pertaining to, or having to do with the Puritan Church of the United States, is in contravention of those rights guaranteed to this plaintiff by the Constitution of the United States, guaranteeing freedom of religious worship and is contrary to the similar provisions of the Constitution of the State of Illinois on the same point.

3. That despite the oft-repeated protest of this plaintiff in open court, orally and by writings and pleadings filed [fol. 53] in this cause, the plaintiff has frequently apprised the court of its illegal conduct and the illegal conduct that it has permitted and sanctioned on the part of the defendant and his counsel.

4. That notwithstanding the oral and written protestations apprising the court that it was violating the constitutional guarantees of the plaintiff, the court nevertheless illegally and unconstitutionally permitted the defendant repeatedly to violate the constitutional guarantees protecting this plaintiff, and in addition thereto, entered an illegal order requiring this plaintiff to bring into court and divulge those things and matters which the Constitution forbids being done by a litigant, by the Court and by both.

5. Plaintiff denies that any or all of the writings submitted in his affidavit of January 8, 1945, were purported copies, but on the contrary, reiterates that they are exact copies of writings that are properly part and parcel of the records of said Puritan Church and also, reiterates and states that the signatures thereon appearing on copies are the identical signatures that appear on the original writings. (Exhibits 2, 3, 4, 5 and 6.)

6. The Plaintiff denies that he is guilty of obstructing justice or abusing the processes of the Circuit Court, but on the contrary, states that if such be true, that the obstruction of justice and abuse of the civil processes of the Circuit Court were occasioned and brought about by the acts of the defendant, for the defendant for a long time prior to his motion to produce said documents has been well aware [fol. 54] of most of said documents and the gist of the contents thereof, that would be filed in carrying out the order of this court, for this plaintiff states that counsel for this defendant had been long before furnished partial copies of most of said documents, and were thoroughly familiar, at the time of the issuance of said order at their request, that these said writings would be filed in this matter in the event that such an order was prayed by the defendant; that the plaintiff therefore reiterates that the defendant and defendant's counsel alone are responsible for any obstruction of justice or abuse of the processes of the Circuit Court of Cook County, if any there be.

7. Plaintiff further denies that any obstruction of justice or abuse of the processes of the Circuit Court is the result of any scheme to insult, defame, scandalize and blackmail the persons, firms and corporations mentioned in said affidavit and its exhibits, but on the contrary, asserts that if there be any insult, defamation, scandal and blackmail, that it is on the part of the defendant and his counsel who, over a period of many years preceding this, have indulged in a vile, vicious, illegal and criminal conspiracy to insult, defame, scandalize and blackmail this plaintiff and that the records of this county are replete with evidence of the efforts of the said counsel.

8. The plaintiff further answers that all of the contents of said letters, documents and papers are true, yet if the defendant or any persons mentioned therein desire to refute the same, they have their opportunity to do so in proper [fol. 55] proceedings commenced against this plaintiff for just that purpose; yet, if as seems to be apparent here, the object of the defendant is to do by indirection that which he has not seen fit to do by direction, this plaintiff objects, that such procedure is illegal and without basis, in the instant proceeding.

9. This plaintiff further denies that the said affidavit and exhibits attached thereto are scurrilous and defamatory,

but on the contrary, he answers that the affidavits are a truthful and honest recitation of certain acts and facts which have been committed and are in existence by virtue of the specific acts, doings and characters of the defendant and those persons referred to and described in said affidavit and said exhibits, and plaintiff further admits that while the acts and doings of the said persons described in said affidavits may be scurrilous and defamatory, he denies the affidavit, by truthfully reciting said acts and facts, is scurrilous and defamatory, as a result thereof.

10. Plaintiff denies that the filing of his affidavit and said exhibits is, or is intended to be, in any manner, a disrespect of, or a derogation of the authority and dignity of said Court, but on the contrary, he asserts that the attempt of the defendant to entrap this plaintiff by forcing him to commit what the defendant now calls "direct contempt of this Court", by the use of the improper device of having an order entered that this defendant knew would result in the filing of this affidavit and these exhibits, the contents of most of which has long been familiar to the defendant, constitutes of itself, in the greatest degree, a disrespect and derogation of the authority and dignity of this Court [fol. 56] by the defendant, that is, the defendant himself is attempting to use the legal process in order to force this plaintiff to commit an act which this defendant could then complain to the Court about as being contempt of the court, yet in reality, the defendant now complains of an act done by this plaintiff in following, and strictly in accordance wit' the order of this court directed to him, and entered at the behest of the defendant, who, all of the time, was knowingly thereby attempting to entrap this plaintiff.

11. Plaintiff herewith most fervently opposes the motion of the defendant to have this plaintiff held in direct contempt of court for this plaintiff intended no contempt of this court, but on the contrary, by the order of this court entered on the motion of the defendant, has followed strictly the ruling of this court and has filed a truthful, honest affidavit in answer thereto.

12. That during the years, 1904, to 1909, this plaintiff was the advertising and business manager of the Tribune Company, which publishes the newspaper known as the Chicago Tribune, for which he was paid a salary of $25,000.00 per year; that while he was business manager of

the said corporation in the year, 1909, he was told by the assistant secretary of the Tribune Company to deliver bonds issued by the Japanese Imperial Government, of a par value of $150.00, to a certain partnership of lawyers with offices located on Clark Street in the City of Chicago; that he was informed by the then assistant secretary of the said Tribune Company that these bonds were to be used to "fix" [fol. 57] the Supreme Court of Illinois, and to induce it to write an opinion favorable to the said Tribune Company in certain litigation, then pending before said Supreme Court, which involved the interest of the said Tribune Company; that said litigation had been commenced by the then administration of Governor Dunne, to cancel, on the ground of fraud, a certain valuable lease of real estate, located at the southeast corner of Dearborn and Clark Streets, in the City of Chicago, which lease had been entered into by said Tribune Company with the Board of Education of the City of Chicago, owner of the fee; that the litigation sought the cancellation of the said lease between the said parties, on the grounds of fraud, for the Tribune Company was then receiving a cash profit of approximately $117,000.00 per year, upon the said lease; that the plaintiff refused to deliver said bonds or to have anything to do with the said illegal transaction, and then and there resigned his said position with said company and the salary that went with it; that said litigation the said plaintiff later discovered terminated in favor of the Tribune Company and in the year 1925 the said Tribune Company sold said lease at an additional profit of $6,040,000.00.

13. That after the resignation of this plaintiff as business manager of said Tribune Company, he became a business partner of J. L. Stack, and engaged in business under the name of the Stack-Parker Advertising Agency. While there, and so engaged, the plaintiff was approached by Mrs. Medill McCormick with the request that this plaintiff act as a companion to her husband, Medill McCormick, a [fol. 58] brother of Robert R. McCormick, president of said Tribune Company and publisher of The Chicago Tribune; that the plaintiff was requested to entertain said Medill McCormick on a horseback ride, then contemplated for both of them, over the battle fields of the Civil War; that he was then and there informed that the purpose of this request was that he, the plaintiff, would entertain and act

as a companion to the said Medill McCormick, pending the arrival in the United States from Switzerland of the world-famous alienist, Dr. Jung; that Drs. Worthy and Patrick, alienists, both of Chicago, had previously declared said Medill McCormick to be incurably insane, and they had sent for said Dr. Jung in order to consult with him; that the plaintiff acceded to said request so made to him to act as a companion to the said Medill McCormick, for the said purpose, and went to Chattanooga, Tennessee, where said Medill McCormick, his said wife, Dr. Jung and this plaintiff all lived at the Patten Hotel; that in the fall of 1910, the said Medill McCormick, brother of the said Robert R. McCormick, was examined by the said Dr. Jung of Switzerland, who had been called in to conduct a psychiatric examination of the said Medill McCormick; that all of these alienists pronounced the said Medill McCormick to be incurably insane; that Dr. Jung then and there told this plaintiff that the said Medill McCormick, brother of said Robert R. McCormick, was incurably insane, and that there was "a state of insanity in the McCormick family."

14. That in the month of August, in the year 1914, this plaintiff was and had been for some time the president of the Evening American Publishing Co., and publisher of [fol. 59] the newspaper then known as the Chicago American; that the said Medill McCormick, brother of the said Robert R. McCormick, appeared at the office of said newspaper, located in the City of Chicago, and then and there said to this plaintiff: "My brother is in a jam with another man, over the other's wife. A certain judge in Chicago has agreed to drag the husband into his courtroom and compel him to release his wife to my brother, if all the newspapers in Chicago will suppress all the news of what happens." That in reply to this statement made by the said Medill McCormick, this plaintiff replied that being a hired man, he had no authority to omit news from being published in the columns of said Chicago American; that thereafter, said Medill McCormick told this plaintiff that he would "rue the day" that he had refused this request and vowed the eternal hatred of the McCormick family and of said Chicago Tribune against this plaintiff, for having refused said request of said Medill McCormick; that some time thereafter, William H. Field, the then vice-president of the said Tribune Company, called upon this plaintiff at this plaintiff's same office, and then and there requested

this plaintiff to telephone to William Randolph Hearst, who at that time was at his San Simeon Ranch in California; that said Field further requested this plaintiff to explain the details of said sordid situation, involving the said Robert R. McCormick, to the said Hearst, and explain to him that the publication of the news of said matter might ruin the career of the said Robert R. McCormick, and to request leave of said Hearst, to omit from publication in the columns of the said Chicago American newspaper any [fol. 60] reference to this said sordid situation; that this plaintiff was well aware then and there that what said Field was referring to was a lawsuit then on file in the Superior Court of Cook County, entitled "Edward S. Adams vs. Robert R. McCormick", being No. 310206, dated August 5, 1914, in which said Robert R. McCormick was being sued by his cousin, Edward S. Adams, for alienating the affections of Adams' wife; that this plaintiff was also well aware of the fact that a suit had been filed in the United States District Court on September 26, 1914, bearing number 22619, entitled "Edward S. Adams, Bankrupt", and also upon the application of his own cousin, Robert R. McCormick; that this plaintiff did telephone to said Hearst, explaining the matter as it had been explained to him by the said Field; that said Hearst, then and there authorized this plaintiff to prohibit any reference to said sordid situation involving the said Robert R. McCormick, and prohibiting as well, any reference to either of said lawsuits involving said Robert R. McCormick, in the news columns of said Chicago American newspaper.

15. That on August 25, 1933, this plaintiff commenced an action at law for libel against said Tribune Company, it being numbered B 275638, and filed in the Circuit Court of Cook County, Illinois; that shortly thereafter, in the month of September, this plaintiff met Weymouth Kirkland, general counsel for the Tribune Company, at said Kirkland's suggestion, in said Kirkland's office, in Chicago, Illinois; that said Kirkland then and there told this plaintiff [fol. 61] that (a) said Robert R. McCormick, editor and publisher of said Chicago Tribune, which the said Kirkland represented, could not allow the courts of Illinois to assess any damages against newspapers; (b) that, in conformity with this settled policy, said McCormick had engaged said Kirkland to "fix" the Appellate Court of Chicago, to reverse and set at naught a verdict of $75,000.00

which a jury had assessed against the Illinois Printing and Publishing Company, in a libel action commenced against it; (c) that this fixing of said Appellate Court in the said case, had been done by said Kirkland; (d) that he, said Kirkland, upon the specific instructions of said Robert R. McCormick, in the future, would be compelled to fix all judges and all juries, to set at naught all damage claims which this plaintiff might have against this Robert R. McCormick, his Chicago Tribune and their interests; (e) that "as a friend" said Kirkland advised this plaintiff to "run along" and "not mix it" with said Robert R. McCormick in the courts. That this plaintiff was astonished at hearing this ill-advised bragging from the lips of this said Kirkland and so he went to the Appellate Court and there perused the record of the case reported in 218 Ill. App. 95, entitled: "William Fenimore Cooper vs. The Illinois Printing and Publishing Co."; that he there, in the light of what said Kirkland had told him, realized that said Kirkland had spoken the truth and that, although it was spoken in braggadocio and ill-advised, it was nevertheless true, for the verdict of the jury had been set aside and held for naught exactly as said Kirkland had bragged to this plaintiff, personally, that he had done; that this plaintiff then and [fol. 62] there realized that from the moment that Kirkland had spoken to him of his ability and prowess as "court-fixing", that said Kirkland and said McCormick would stop at nothing to pervert judges and juries and to prevent justice being done.

16. That this plaintiff decided that neither as a man, nor as a citizen would he or could he "run along" and "not mix it" with said Robert R. McCormick, as he had been advised to do by said Kirkland and for the very good reason then given him by said Kirkland, which was that said Kirkland promised and would undertake to "fix" all courts so that no one could win any litigation against said Robert R. McCormick and his Tribune Company.

17. Some time thereafter, Howard Ellis, a partner in said Kirkland's law office, sent for this plaintiff, who met him in said Ellis' office in Chicago; that Ellis then and there said to him, "If you do not dismiss that libel suit against the Tribune at your own cost, the Tribune is going to get rough with you"; that this plaintiff, from long experience with said Tribune Company understood, since said Kirkland

became general counsel for said Tribune Company, and said Robert R. McCormick, its president, what said Ellis had meant by said threat to said plaintiff made then and there, for said plaintiff well knew that many years ago, at the trial of William Lorimer, then United States Senator from Illinois, in the United States Senate, James Keeley of Chicago, who was then the managing editor, under said Robert R. McCormick's management, of said Tribune Company, had [fol. 63] under examination by Judge Eldrige Hanesy, counsel for said William Lorimer, testified under oath that the Chicago Tribune, under the management of said Robert R.McCormick, had employed on its staff many well-known police characters, ex-convicts and murderers, such as Mossy Enright and Jack Gentleman, who were paid by and hired to and did do said Tribune Company's "rough" work; that this plaintiff also well knew that in the file of the Federal District Court at Chicago, in a trial before the late Judge K. M. Landis, there is a record in the matter entitled "The Chicago Journal of Commerce vs. The Tribune Co." in which the said Tribune Company, under the management of the said Robert R. McCormick, had hired sluggers to do more of the said Tribune Company's "rough" work in "killing off" its morning newspaper competition in the City of Chicago. This plaintiff well knew that to proceed with his libel suit against said Tribune Company was to run the risk of having said Tribune Company either harm him physically, or assassinate his reputation in the columns of his newspaper, or to set his efforts in the courts at naught, in the manner described to him by said Kirkland and said Ellis; yet this plaintiff believed it to be his duty as a man and a citizen to fight such brazen corruption rather than yield to it and encourage the debauchery of the institution of his Government and his Country by the said Tribune Company, said Robert R. McCormick and said certain individuals practicing law under the general partnership name of Kirkland, Fleming, Green, Martin and Ellis, and [fol. 64] so he refused said request of said Ellis, so made to him.

18. At the time of the making of said request to plaintiff by said Ellis, this plaintiff was a party defendant in certain civil litigation then on appeal to the Appellate Court of Illinois, entitled: "Mae Quinliven vs. North American Trust Co.", numbered 36295. Shortly after said meeting between this plaintiff and said Ellis, Judge Ross Hall, a

judge of the Superior Court of Cook County then sitting in the Appellate Court of Illinois, handed down an opinion in the said Quinliven case, under the terms of which this plaintiff was ordered to pay to said Mae Quinliven $7,000.00 or be liable to be confined in the Debtors' Cell of Cook County for six months; that the record in the said case showed that though this plaintiff had never seen said Mae Quinliven, until he appeared in the court at the time of the trial, and that although he had never transacted any business with said Mae Quinliven, either directly or indirectly, nor had he owed her any money, nevertheless, there had been a finding against this plaintiff.

19. That this plaintiff decided that wrong, improper and illegal as the decision of the Appellate Court had been, he must go to jail, and on May 13, 1934, he entered the Debtors' Cell of Cook County Jail.

20. The next day when this plaintiff read in the pages of the Sunday Tribune of May 14, 1934, the sensational article that therein appeared, describing his incarceration in the debtors' cell, the true import and connection between the said threat made to him by said Kirkland and later made [fol. 65] to him by said Ellis, and the wholly ungrounded decision of the said Quinliven case in the said Appellate Court made by the said Judge Ross Hall, came upon him; that his suspicion of the complicity of said Kirkland, said Ellis and said Judge Ross Hall, in this plaintiff's being lodged in the debtors' cell, became a certainty, upon his receipt in said debtors' cell of a message from said Ellis to this plaintiff, telling this plaintiff that he, said Ellis, and "some friends" would pay $7,000.00, to said Mae Quinliven and thereby effect the release of this plaintiff from the jail of Cook County if this plaintiff would promise, in return therefor, to dismiss his libel suit still pending against the said Tribune Company; that to this proposal from the said Ellis, this plaintiff replied that he "preferred the jail" and that he would undertake to compel said Tribune Company to stand trial in this plaintiff's libel suit against it.

21. That shortly after this plaintiff's refusal of the said proposal sent to him by said Ellis, and while this plaintiff was still in the Debtors' Cell, John Moneypenny, warden of said jail, informed this plaintiff that a man armed with a knife had been found in this plaintiff's cell and that said armed man had been placed there by the said Tribune law

firm, Kirkland, Fleming, Green, Martin & Ellis, to kill this plaintiff in said jail.

22. That upon the receipt of this information from the said John Moneypenny, warden of said jail, this plaintiff wrote a letter to John D. Black of Chicago, then president of the Chicago Bar Association, and informed him of that [fol. 66] which this plaintiff had been told by said John Moneypenny; that said John D. Black made no reply to this letter, nor did said Chicago Bar Association.

23. That four months later, another attempt upon the life of this plaintiff was made while he was still in said county jail; that two of the cell mates of this plaintiff had almost died of eating cake which contained arsenic and which had previously been offered to and refused by this plaintiff, and for he had been warned by said John Moneypenny that he, the plaintiff, would be safer if he would eat of the same food and at the same time and place, with the prisoners other than those in said debtors' cell.

24. That on the happening of this second attempt upon his life, this plaintiff wrote a letter to said Robert R. McCormick, in which he detailed both instances of these attempts upon his life while he was in jail; that in said letter, he charged that said Robert R. McCormick, through his lawyers, had tried twice to murder him and thus dispose of both this plaintiff and of his still-pending libel suit against said Tribune Company; that the next day, unsolicited by this plaintiff, said Weymouth Kirkland called in person at the Cook County jail and there released and freed this plaintiff, without any further effort or act upon the part of this plaintiff.

25. The Constitution of the State of Illinois, Article IX, Sec. 1, provides that: "Every person and corporation shall pay a tax in proportion to his, her or its property—such value to be ascertained by some person or persons to be elected or appointed such manner as the general assembly shall direct * * * not otherwise; but the general [fol. 67] assembly shall have power to tax * * * persons or corporations owning or using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class upon which it operates." The Legislature of Illinois has determined that the capital stock tax of domestic corporations shall be paid by the corporation and not by the holder of it: The method of

determination has been approved by the State of Illinois through long usage and in addition, the method has been approved repeatedly by the Supreme Court of Illinois and approved by the Supreme Court of the United States; that neither the law nor its applications has ever been modified or annulled, by any court of last resort. (Exhibit 1.)

26. That the Revenue Act of the State of Illinois provides that taxable property that has been omitted, when discovered, must be listed and assessed by the taxing officials.

27. That in the summer of 1935, this plaintiff presented to Jacob Shamberg, then an assistant state's attorney of Cook County, and now, a first assistant state's attorney of Cook County in charge of civil actions, and the defendant herein, evidence that certain personal property owned, possessed and controlled by said Tribune Company of enormous value had long been omitted from the tax rolls, to-wit: for sixty-six years; that this plaintiff then and there exhibited to said Shamberg certified copies of the balance sheets of said Tribune Company for said years in which its taxable property which had long been omitted, was listed, and this plaintiff, in addition thereto, then and there [fol. 68] exhibited to said Shamberg certified copies of the books of the Cook County Assessor, for the same said sixty-six years which contained no listing or assessment of that vast amount of property owned, controlled and possessed by said Tribune Company and set forth and described in its said certified balance sheets.

28. That upon the presentation by this plaintiff of the two sets of certified copies of both the balance sheets of the Tribune Company and of the books of said County Assessor, for the same said identical years, it became and was the duty of said Shamberg, as a law enforcement officer of said county, to act and correct said long-standing tax avoidance by the said Tribune Company, there being, as said Shamberg well knew, no provision in the law of Illinois, for the compromise of either taxes, penalty or interest on this omitted personal property.

29. Instead of doing his sworn statutory duty, said Shamberg refused to act against said Tribune Company, whereas said Shamberg well knew that the law required him to do so, as he had done before and since, in other similar tax matters against other corporations which have been guilty of the

identical violation of the Revenue laws of the State of Illinois.

30. That in 1935, this plaintiff, as a citizen and a taxpayer, filed a complaint before the Board of Appeals of Cook County, to compel the listing and the assessing of taxable personal property that was set forth under oath, on the certified balance sheets of said Tribune Company, but [fol. 69] omitted from the certified tax rolls of Cook County, in the hands of John S. Clark, the Cook County Assessor.

31. In the trial before said Board of Appeals, said Kirkland, instead of answering the sworn complaint then before that body, setting forth that valuable property of said Tribune Company had been omitted completely and illegally from the tax rolls of Cook County for sixty-six years, said to said Board of Appeals, and those persons there assembled, of and to this plaintiff, "You rat * * * you dirty rat * * * you blackmailer, * * * you contemptible blackmailer * * * you ought to be taken for a ride." 298 Ill. App. 340-362; that thereupon this plaintiff commenced an action at law for slander in the Circuit Court of Cook County, against said Kirkland; that said lawsuit came before Judge Joseph Sabath, who, contrary to what was then the law of this state, dismissed the complaint upon said Kirkland's motion to strike.

32. This wrongful decision of said Judge Sabath was appealed to the Appellate Court of Illinois; that there, Judge Hugo Friend, in an unusually long opinion consisting of twenty pages set aside what had heretofore been the established American rule of law, and the law of the State of Illinois, and substituted for it, the English rule which had never been the law of Illinois; yet, Kirkland had not uttered the objectionable words in a court; he had spoken them before an administrative body, the Board of Appeals of Cook County, so Judge Friend decided that the Board of Appeals of Cook County was a quasi-judicial body, and sustained Judge Sabath's decision.

[fol. 70] 33. That thereupon, after the refusal of said Shamberg to perform his sworn statutory duty, this plaintiff commenced a taxpayer's action in mandamus to compel the taxing officials of said Cook County to list and assess all of the said omitted personal property under the ownership, custody and control of said Tribune Company as set forth in the said certified balance sheets of the said Tribune

Company, and whose omission from listing and assessment of the tax rolls of Cook County was apparent from the said certified copies of the books of the Assessor of Cook County.

34. That said action was dismissed on a motion to strike in the trial court and upon appeal to the Supreme Court of Illinois, the said motion was sustained on the ground that the action had been prematurely brought, that is: that the mandamus proceeding had been commenced before the said Board, in the judgment of the Court, had had sufficient time to act upon the matter presented to it in the said certified copies of the balance sheets of said Tribune Company and the books of said Cook County Assessor.

35. That thereafter, this plaintiff commenced another action in mandamus for the same said purpose, after the taxing officials of said county had again made a determination of the evidence contained in said books of said Tribune Company and said Assessor had again refused to list or assess any of said omitted property. That the decision of the Board of Appeals of Cook County was heard by Judge Harry M. Fisher on mandamus, in case No. 38C 3209; Fisher's son, David, was then employed in the law office of [fol. 71] said Kirkland, as his assistant; previously the Supreme Court of Illinois, 367 Ill. 559, 569, had decided: "The Tribune Company is the property owner named in the complaint and we expressly held, in People vs. Webb, 256 Ill. 364, that property owners are not necessary or proper parties in such a proceeding as this." Notwithstanding this clear ruling of the Supreme Court of Illinois, said Judge Fisher, upon the application of said Kirkland, and despite the protest of this plaintiff, entered said Tribune Company as a necessary and proper party to this mandamus lawsuit. Then it was assigned to another judge; that by this illegal order of Judge Fisher, a proper lawsuit to compel the Tribune Company to pay to Cook County, the money which it owes for taxes, was invalidated. That then, Judge Joseph Burke, on motion of said Shamberg and Kirkland, dismissed the action.

36. That this plaintiff then appealed to the Supreme Court of Illinois, which in an opinion of thirty-five lines which appears on Page 243, Volume 370, of the Supreme Court Reports of Illinois, disposed of this matter involving in excess of 100 million dollars due to the State of Illinois, for some of the same reasons that it gave in the earlier opinion.

37. That thereafter this plaintiff commenced another action in mandamus for the same said purpose, after the taxing officials of said county had made a determination of the evidence contained in said books of said Tribune Company and said Assessor had refused to list or assess any of said omitted property; said Shamberg then and there in violation of his sworn statutory duty, joined [fol. 72] forces with the said Tribune Company and along with its counsel, filed certain motions to defeat the State of Illinois, identical with those filed by said Tribune Company, some of which were typed in the office of said Tribune law firm, Kirkland, Fleming, Green, Martin & Ellis; that these objections were: (1) mandamus was not the proper action; the writ of certiorari was the proper action; and (2) that this proceeding was res judicata; yet this objection was subsequently held by Judge Niemeyer to be groundless; and (3) that non-uniformity had not been alleged, yet the allegation that property was omitted from listing and assessment is non-uniform with all other property that has already been listed and assessed.

38. That in case No. 39S 7549 filed in the Superior Court of Cook County thereafter, Judge Grover Niemeyer in 1940 ruled, after hearings lasting over a year, that (a) mandamus was the proper remedy, and (b) there was no res judicata: he did not rule on said Shamberg's third objection. That thereafter, sensing that further action in said proceeding, No. 39 S 7549, would not yield a clear presentation of the precise question involved for appeal to the Supreme Court, this plaintiff dismissed said proceeding without prejudice. That the foundation for a fourth mandamus hearing before the Board of Appeals has been concluded and this plaintiff is preparing to proceed once more to enforce the listing and assessment of said omitted property from the tax rolls of said Cook County; that no court of final jurisdiction has sustained any of the said objections [fol. 73] of the said Shamberg and Kirkland.

39. That thereafter, this plaintiff's libel suit was tried before a jury; that two days were consumed with direct examination, and approximately three months were occupied with cross-examination, that about 200,000 pages of testimony and exhibits were used; the jury deliberated less than one hour, and returned a not guilty verdict, as said Kirkland had promised would happen, three years

before, when he had told this plaintiff why this plaintiff would never win, either against said Robert R. McCormick or his said Tribune Company.

40. That having been denied access by the State's Attorney to the Cook County grand jury, to advise it of the omission from the tax rolls of Cook County of the taxable personal property in the possession, custody and control of said Tribune Company, on which the accumulated taxes, penalty and interest amounting then and now to a sum in excess of 100 million dollars, this plaintiff was advised by a lawyer, that it was his duty as a man, a citizen and a taxpayer, to write the facts in a letter, to the grand jury; this, this plaintiff did, in a letter to which he signed his name; that neither the then Chief Justice of the Criminal Court of Cook County, Judge John Prystalski, nor the State's Attorney of Cook County, but John W. Norkett, a private detective employed by said Tribune Company and its said law firm, cited this plaintiff in an information being numbered A40, before said Judge Prystalski, for contempt of court; the exact charge set forth in said information being "writing a letter to the grand jury."

[fol. 74] 41. In his answer, this plaintiff by citing prior leading decisions in which the Supreme Court of Illinois had decided that the grand jury could get its evidence anywhere; this plaintiff proved to Judge Prystalski that he had not been guilty of contempt of court, for "writing a letter to the grand jury"; that Judge Prystalski instead found him guilty of "obstructing justice" and sentenced him to the Cook County Jail for ten days; that this sentence of ten days in the Cook County Jail by Judge Prystalski, was appealed by this plaintiff in Supreme Court Case No. 25595; that there this plaintiff proved to the Supreme Court, that writing a letter to a grand jury was not "obstructing justice"; so that the Supreme Court of Illinois based its decision on an entirely new charge, "writing letters to a grand jury which had a tendency to obstruct justice;" that for these said communications said Supreme Court decided that this plaintiff must serve ten days in the Cook County Jail; that the opinion of the Court is reported in the Reports of the Supreme Court of Illinois, Volume 374, Page 524.

42. This decision could not be appealed to the Supreme Court of the United States because this plaintiff had not

in his answer raised the question of his rights under the Federal Constitution; that this plaintiff therefore went to the Cook County Jail for ten days.

43. That the records of the County Court in the County Building, Chicago, Cook County, in Case No. 25521, dated October 29, 1938, "Estate of Katherine Medill McCormick", show that not a single penny was received by the State [fol. 75] of Illinois, as an inheritance tax from that estate; that this and other state records show that said Mrs. McCormick was born in Chicago; went to school in Chicago; was married in Chicago; all of her children were born in Chicago; her father had lived in Chicago for more than fifty years; her family residence had been her father's home, at Wheaton, Illinois; her will was made in Chicago; in it she stated that she was a resident of Chicago; she had notified the Collector of Internal Revenue at Washington, D. C., that her official address was at 33 North LaSalle Street, Chicago; she is buried in the Medill family cemetery plot in Chicago; she was known in Bradstreet's reports as one of the two richest women who have lived in Chicago; that on these facts and the inheritance tax laws of Illinois, the State of Illinois was entitled to an inheritance tax in proportion to the value of the estate, worth at least 25 million dollars; yet it did not receive a single cent for Weymouth Kirkland, the general counsel of Robert R. McCormick, has boasted that all the courts of Illinois can be "fixed" in matters in which Robert R. McCormick had a money interest; and so with no publicity, Robert R. McCormick got on the witness stand and testified that his mother, Katherine Medill McCormick, who had died in Paris, France, while on a tour of Europe, was not a resident of the City of Chicago; that said McCormick was followed on the witness stand by Weymouth Kirkland, McCormick's general counsel and also, lawyer for the dead and defenseless Katherine Medill McCormick; said Kirkland had written into the said will signed by said Katherine Medill McCormick that she was a resident [fol. 76] of the City of Chicago, Illinois; said will had been probated by said Robert R. McCormick and said Kirkland, all its provisions were satisfactory to them, except that one under it by which the State of Illinois was entitled to an inheritance tax of several millions of dollars; that provision alone was not satisfactory to said Robert R. Mc-

Cormick, the executor of the will; that said Kirkland also, took an oath and he, too, testified that his client, in whose will he had written that she was a resident of Chicago, was not a resident of Chicago; that then to the witness stand came some servants of the Medill family and some appraisers who swore that the jewels possessed by this enormously rich woman were practically tinsel, and not of enough value to be even considered; that the State of Illinois which had several million dollars at stake in these proceedings was then and there without proper representation.

44. That thereupon the hearing officer therefore decided as Robert R. McCormick wanted him to do; all the money in that estate belonged to Robert R. McCormick and the other millionaire beneficiaries of this fabulously rich Chicago citizen; this plaintiff asserts that upon the record of that proceeding that said Kirkland's boast of his "court-fixing" prowess is apparent.

45. That it is of but little importance to the State of Illinois, or to the United States of America, if this plaintiff is confined in jail for six months, as has been suggested to the Court herein, by the Tribune lawyers, Kirkland, Fleming, Green, Martin and Ellis, who represent the defendant herein, but it is of the utmost importance to [fol. 77] the State of Illinois and to the United States of America and the people of both, that said Robert R. McCormick, his said Tribune Company and their satellites, said Kirkland, and their agents and employees be, now and forever, prevented from continuing their own calculated scheme of insult, defamation, scandalizing, blackmail, terror, bribery, murder, theft, perjury, fraud, libel, corruption, anonymous letter writing, and forgery commenced in 1911, when said McCormick became president of said Tribune Company, and said Kirkland became counsel for said McCormick and said Tribune Company, and which scheme is still continuing; that during the thirty-four years in which this scheme for making money at any cost, by the adroit use of the threat of bad publicity in the said Tribune, and the use of its vast financial resources, as well as many combinations and variations that they devised and used, as the need arose, from time to time, said Tribune Company, McCormick and Kirkland have been able to gain their too-frequently illegal ends by either

terrorizing those who oppose them, or performing the necessary maneuvers in secret; that by its and their said conduct, over this long period of time, said Tribune Company, said Kirkland, and their hirelings have and have shown, not only their contempt for all other citizens of this state, but for the State of Illinois, and the United States of America; that their scheming campaign has resulted in the debauchery of many public officials in the State of Illinois, and unless stopped will result in the complete destruction of the government of the State of Illinois.

[fol. 78] 46. That as is hereinbefore set forth and as fully appears hereinbefore, certain rights of this plaintiff guaranteed to him both by the Constitution of the United States and the Constitution of Illinois have been violated despite certain provisions in both constitutions to the contrary.

47. That Article IV, Section 4 of the Constitution of the United States provides: "The United States shall guarantee every state in this union a republican form of government"; that a republican form of government is a government of representatives chosen by the people; that judges, too, are representatives chosen by the people, yet as hereinabove more fully appears in certain of said proceedings, said certain judges and other representatives of the people, have not performed their duties as representatives of the people, but have acted as the reprsentatives of said Robert R. McCormick, and his interests; that at the present time, and for a long time prior hereto, the republican form of government guaranteed to the State of Illinois has ceased to exist, all in violation of the specific provisions of said section.

48. That in Article VI appears a strict injunction that "this Constitution * * * of the United States * * * shall be the supreme law of the land and the judges in every state shall be bound thereby."

49. That in each, every and all of the said proceedings here mentioned and described, which this plaintiff has hereinabove set forth more fully, he has been deprived of his property without due process of law; and that he has in certain of said proceedings been deprived of his [fol. 79] liberty without due process of law; that in certain of said proceedings, his private property has been taken for public use without just compensation, all of which

are in direct contravention, and contrary to, the provisions of the Fifth Amendment to the Constitution.

50. That in certain of said proceedings hereinabove more fully set forth, the plaintiff has been deprived of the free exercise of religion, the freedom of speech and of the right to petition his government for a redress of said certain grievances in contravention of, and contrary to, the provisions of the First Amendment to the Constitution.

51. That in certain of said proceedings hereinabove more fully set forth, the plaintiff has been deprived of the privileges and immunities properly guaranteed to him as a citizen of the United States, and he has been deprived of his liberty and property without due process of law, and he has been denied the equal protection of the laws, all of which are in contravention of, and contrary to, the provisions of the Fourteenth Amendment of the Constitution.

That this plaintiff, Harrison Parker, having fully replied to the rule to answer made upon him, prays that he be found and determined to be purged of any contempt of this Court, and that he be forthwith discharged.

HARRISON PARKER,
Plaintiff.

[fol. 80] *Duly sworn to by Harrison Parker, jurat omitted in printing.*

[fol. 81] EXHIBIT 1 TO PARKER'S ANSWER OF JANUARY 15, 1945.

Year _____
Town _____

	1923
	Tribune
1. Horses	_____
2. Cattle	_____
3. Mules & Asses	_____
4. Sheep	_____
5. Hogs	_____
6. Steam Engines	_____
7. Safes	_____
8. Billiard Tables	_____
9. Carriages & Wagons	_____
10. Watches & Clocks	_____

11. Autos	
12. Piano Fortes	
13. Melodeons & Organs	
14. Franchises	
15. Annuities & Royalties	
16. Patent Rights	
17. Steamboats, Vessels, etc.	
18. Merchandise	
19. Material & Mfgd Articles	
20. Manufacturer's Tools, Implements & Machinery	
21. Agricultural Tools, Implements & Machinery	
22. Gold or Silver Plate	
23. Diamonds and Jewelry	
24. Money of Bank, etc.	
25. Credits of Bank, etc.	
26. Moneys of other than Bank, etc.	
27. Credits of other than Bank, etc.	
28. Bonds or Stocks	
29. Shares of Stock of Companies not incorporated by laws of this State	
30. Property of Pawnbroker.	
31. Property of Companies and Corporations other than property hereinabove enumerated	50,000
[fol. 82] 32. Bridge property	
33. Property of Saloons and Eatinghouses	
34. Household or Office Furniture	
35. Investments in Real Estate	
36. All Other Property	1,051,000
Total Full Value	1,101,000
Total Assessed Value	550,500
Corrected by Board of Review	550,500

The statements here appearing, both for the year 1923, are typical for each of the other 66 consecutive years of flagrant tax evassion by the Tribune Company, complained of to the Supreme Court of Illinois in People ex rel. Parker vs. Whealan, 370 Ill. 243.

That on the left for 1923, appears in the public records of the Assessor of Cook County, Illinois. Its accuracy has been sworn to by L. A. Hodson, an attorney for the Tribune Company.

That below, also for 1923, appears in the public records of the Clerk of the Supreme Court, at Springfield, Illinois. Its accuracy has been certified by a Commissioner of the Supreme Court of Illinois who examined the books of the Tribune Company in connection with litigation between Tribune stockholders: Lloyd vs. Lloyd, 341 Ill. 461.

Both statements as they here appear, were in the record and within purview of Justice Shaw, then Chief Justice of the Supreme Court of Illinois, when he so peremptorily dismissed this important litigation brought by the State of Illinois, involving such important rights, principles, and property of the citizenry, as well as the constitutional rights of a sovereign state, without any heed to the issues set forth.

The Tribune Company dared not go to trial, as Justice Shaw well knew. And by this maneuver, he deprived the State of a trial, thus foreclosing his state from simple [fol. 83] justice. To insure the Tribune's escape from its vulnerable position, occasioned by its long-continued defrauding of its own state, he made short shrift of this most important litigation with an opinion of 35 lines.

THE TRIBUNE COMPANY

Condensed Balance Sheets and Statement of Net Profits From Operations and Dividends Paid (From Lloyd vs. Lloyd, 341 Ill. 461)

Assets as of December 31, 1923

Leasehold	$ 203,097.82
Building	1,892,817.47
Plan, Machinery & Equpiment	3,010,546.25
Investments	3,404,322.84
Chicago Building Co. Stock	2,911,900.00
Working Assets	1,407,227.95
Current Assets	3,068,762.84
Real Estate, excluding Tribune Building	260,120.64
Total Assets	$16,158,795.81

Liabilities

Capital Stock	$ 200,000.00
Surplus	9,831,705.96
Current Liabilities	2,199,469.95
Service Liabilities	101,758.95
Reserve for Doubtful Accounts	328,912.20
" " Taxes	727,938.97
" " Dep. Tribune Bldg.	425,877.61
" " Leasehold	54,375.95
" " Machinery & Equip't	1,442,259.82
" " Real Estate except Tribune Building	19,136.40
Miscellaneous Reserves	827,360.00
Total Liabilities	$16,158,795.81
*Net Profit for the year	$ 4,365,047.40
Dividends	3,300,000.00

*From operations before payment of dividends.

[fol. 84] Exhibit 2 to Parker's Answer of January 15, 1945.

State of Illinois, } ss.
County of Cook. }

In the Circuit Court of Cook County

Harrison Parker, *Plaintiff.*
vs.
Jacob Shamberg, *Defendant.*
No. 43 C 13381

Affidavit.

Harrison Parker, having first been duly sworn on oath, deposes and says:

Answering questions numbered on the defendant's Motion dated December 28, 1944, one, two, three, four, five, six, seven, eight, nine, ten, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-six, twenty-nine, thirty, thirty-one, this Affiant has not now, nor has he ever had in his possession, power, custody or

control nor has he ever seen any originals, duplicate-originals, and copies of all letters, telegrams, writings, memoranda, etc., passing between—and also all Minute Books, written Resolutions, By-Laws, Trust Deeds, Contracts, Books of Account, Invoices, Receipted Bills, Cancelled Checks, Check Stubs, Bank Statements showing or reflecting any dealings between—any of the following persons, firms, corporations, and pretended religious corporations or bodies, during the period between January 1st, 1940 up to and including the present time.

[fol. 85] Answering questions eleven, twelve and thirteen, this Affiant, in November 1944, when he moved his private files from 4534 Greenwood Avenue, Chicago, destroyed all his correspondence with Messrs. Miner, Norris and Race, along with a lot of other useless and unimportant to him, letters, records, etc.

Answering questions twenty-two, twenty-four, twenty-five, twenty-seven, twenty-eight and thirty-two, this Affiant had the original Articles of Incorporation and their By-Laws in his possession sometime during 1940 or 1941; these he left with Harris F. Williams, 230 South Clark Street, Chicago, where they were held, until they were called for and delivered to Mr. Conrad Miner.

Answering question thirty-three, this Affiant received the original Articles of Incorporation and the By-Laws from Harris F. Williams and delivered them to Dr. Agnes Richardson of Berwyn, Illinois.

Answering question thirty-two, this Affiant had them in his possession at one time and delivered them to Mr. Conrad Miner.

Answering questions thirty-four, thirty-five, thirty-six and thirty-seven, this Affiant attaches herewith as Exhibits A, B, C and D, all of the requested documents now in his possession, custody, power or control; all others were destroyed when this Affiant moved his office last November.

Answering question numbered thirty-eight, this Affiant never did, at any time, under any circumstances do business under the name and style of "Puritan Church," "The Puritan Church Committee, etc. to Moderator."

[fol. 86] Answering question twenty-three this Affiant never heard of, nor has he ever had any connection with such an organization.

Answering question number thirty-seven, this Affiant attaches herewith all the requested documents which he has

at present in his possession, power, custody or control, with any of the persons, firms or corporations numbered one to thirty-eight.

..... (Seal)
Harrison Parker.

Subscribed and sworn to before me this ——— day of January A. D. 1945.

.....
Notary Public.

[fol. 87] EXHIBIT 3 TO PARKER'S ANSWER OF JANUARY 15, 1945.

CERTIFIED COPY OF A RESOLUTION PASSED AT THE JOINT MEETING OF THE ECUMENICAL COUNCIL OF THE PURITAN CHURCH OF THE UNITED STATES AND THE COLLEGE OF DIVINES OF THE BROTHERHOOD OF THE ANCIENT ORDER OF ST. JOHN, HELD AT THE MASONIC TEMPLE, 32 W. RANDOLPH STREET, ON AUGUST 16TH, 1943 AND AMENDED AT THE ADJOURNED MEETING HELD IN CHICAGO ON FEBRUARY 5, 1944.

Whereas, the direct sires of the present members of this Puritan Church fled England to escape the tyranny of government by man, and braved the dangers of the sea, of an unknown forest, a wilderness and the aboriginal Indian, to dwell as free men on American soil;

And Whereas, the direct sires of the present members of this Puritan Church fought and bled at Concord, at Bunker Hill, and died at Valley Forge, to establish on the same soil, a government by law, instead of by man;

And Whereas, the constitution of the government thus set up by the Puritans, protects the laboring man in the possession of his cottage, and the millionaire in his palace, the Jew, the Catholic, the Protestant and the Puritan in the worship of God;

And Whereas, this established government invited the peace-loving, the home-loving, the industrious and the law-abiding of the earth, to emigrate to it, and share with the Puritans, the blessings and the happiness that flow from the living under such a government;

[fol. 88] And Whereas, along with the peace-loving, the home-loving, industrious and the law-abiding, there came

to the hospitable but unprotected shores of this orderly government, a lot of scoundrels, rascals, black legs, riff-raff, and the dregs of the outpouring of the cellars of the earth;

And Whereas, Joseph Medill, an Irish emigrant, arrived in the U.S.A. along with this mixed crowd in the steerage.

And Whereas, as soon thereafter as it was possible, after he had been fumigated and deloused at Ellis Island, this Joseph Medill set up a corporately owned newspaper called the Chicago Tribune, whose money-making policy was: (1) to make circulation by being, in its news and editorial columns, "Agin" the government in power, with libels of its leaders; (2) to make cash dividends by blackmailing the elected public officials to allow it to steal money from the County which protected it in its infamy;

And Whereas, the public records of Cook County show that the Chicago Tribune, under the management of the said Joseph Medill, cheated the law-abiding citizns of Cook County of the approximate sum of 15 million dollars, by a cunning and hidden violation of the Constitution of Illinois, by defying the law passed by her legislature and by bribing the elected public officials and the courts;

And Whereas, the stock control of this Chicago Tribune, passed by inheritance, to Eleanor Medill Patterson, and Katherine Medill McCormick, the only living children of said Joseph Medill;

And Whereas, these two women allowed the Chicago Tribune to continue the cowardly and dishonorable policy [fol. 89] of their father, whereby another approximately 20 million dollars was stolen by the Chicago Tribune from the unsuspecting and docile citizens of Cook County, by the use of the same money-stealing scheme that was original with their cunning father;

And Whereas, these two women, Eleanor Medill Patterson and Katherine Medill McCormick, were each detected, tried and convicted and penalized by the United States Government, for withholding from that government an enormous sum of money due to it, as Income Taxes. (The scheme the women used was set up for them, in Weymouth Kirkland's crooked law office; its other tax clients, Moe Annenberg, and other scoundrels had to do long "stretches" in Leavenworth Prison for using similar schemes.)

And Whereas, the stock control of the Chicago Tribune, descended again by inheritance from these two women, to Joseph Medill's grandchildren, Robert R. McCormick, the so-called Editor of the Chicago Tribune and Joseph Medill Patterson, the Editor of the New York Daily News, and Eleanor Schlesinger, the so-called Editor of the Washington, D. C., Herald;

And Whereas, it is shown and proven in the public records of Illinois that the said Robert R. McCormick is a coward, a liar, a cheat, a thief, a courtfixer, a free-lover, a constitution violator, an all-around scoundrel, whose private fortune of an acknowledged 16 million dollars, has been accumulated by defrauding the government that protects him, and his fellowman through "phoney" corpora-
[fol. 90] tions and other schemes devised and set up for him, in the office of the crooked law firm of Kirkland, Fleming, Green, Martin and Ellis, at 33 N. LaSalle Street, Chicago;

And Whereas, the public records show that the said Joseph Medill Patterson kicked out of his life in her old age, the wife of his youth and the mother of his legitimate children, and set up in her place, and in the place of their legitimate children, his more youthful female stenographers, and their son;

And Whereas, the long-suppressed but certified records of Cook County show that the Chicago Tribune, under the management of said grandsons of the said Joseph Medill, has stolen from the law-abiding citizens of Cook County more money than was stolen from them, during the combined administration of their grandfather and mothers, and by the use of the same dishonorable scheme;

And Whereas, the public records show that the said Robert R. McCormick has either influenced, intimidated or bribed a United States Court Judge of Chicago, in Case No. 22619, to issue a crooked order which enabled him to enter his best friend's home, to steal his wife and break up his friend's home;

And Whereas, the same public records show that the said Robert R. McCormick either influenced, intimidated or bribed Circuit Court Judges Harry M. Fisher and Joseph Burke, in Case No. 38C-3209, to issue crooked orders in a vain attempt to hide the fact, that the Chicago Tribune, under its management by the Medill-McCormick-

Patterson families, has stolen the approximate sum of [fol. 91] 100 million dollars from Cook County.

(An order by these judges based on the established law of Illinois would have forced the Chicago Tribune to trial; with the facts as they are, and the law as it is, the Chicago Tribune dare not go to trial; it would be compelled to disgorge all the stolen money; so it either influenced, intimidated or bribed these faithless judges to issue crooked order by which a trial was prevented.)

And Whereas, the same public records show that the said Robert R. McCormick either influenced, intimidated or bribed Justices Stone, Gunn and Wilson, still sitting on the Supreme Court of Illinois, to write in case 24881, an opinion more crooked than any ever written by Judge Manton of Atlanta Prison, by which Cook County's legal orderly lawsuit to compel the Chicago Tribune to disgorge millions of dollars it has stolen from Cook County, was temporarily obstructed;

(An order by the Illinois Supreme Court based on the established law of Illinois would have forced the Chicago Tribune to trial; with the facts as they are, and the law as it is, the Chicago Tribune dare not go to trial; it would be compelled to disgorge all the stolen money; so it either influenced, intimidated or bribed these faithless judges on the Supreme Court of Illinois to issue crooked orders by which a trial was prevented.)

And Whereas, the public records show that said Robert R. McCormick either influenced, intimidated or bribed the entire division of the Appellate Court of Chicago presided over by Judge Hugo Friend, to write a crooked opinion [fol. 92] in Case No. 39804, in litigation in which McCormick and his Weymouth Kirkland had a large money interest in a crooked opinion.

(An opinion of the Appellate Court based on the established law of Illinois would have compelled Kirkland to go to trial in a matter in which $100,000 was involved; Kirkland dared not go to trial; so he and McCormick either influenced, intimidated or bribed this faithless judge to issue a crooked opinion by which the trial of Kirkland was prevented; thus this cowardly Kirkland was protected, and the honest litigant against Kirkland was outraged and despoiled by the crooked opinion of a crooked judge.)

And Whereas, the public records show that said Robert R. McCormick either influenced, intimidated or bribed Judges Joseph A. Sabath and John Prystalski, of the Criminal Court of Cook County, in Cases 20981 and A40, to "railroad" to Joliet Prison and to the Cook County Jail, for the benefit of this unconscionable scoundrel McCormick, men whom the Supreme Court of Illinois records in cases 20981 and 25595 show to be innocent of the charges for which they were "railroaded."

And Whereas, by reason of the corruption by said McCormick and his crooked lawyers, of all the Courts of Illinois, from Eugene McGarry's Municipal Court up to and including Francis Wilson's crooked Supreme Court of Illinois, the combined money fortunes of the Medill-McCormick-Patterson family now amounts to the dangerous figure of 125 million dollars;

And Whereas, this swollen and dishonestly gained money fortune started by the penniless and ungrateful emigrant, [fol. 93] Joseph Medill, has descended to the third generation without the payment of a single cent of any of the legally imposed taxes, except a small one paid on the estate of Eleanor Medill Patterson; (The other sister, Katherine Medill McCormick died one of the richest persons who have died in Chicago during the last 30 years. She was born, wed and buried in Chicago. All her children were born in Chicago. Her father before her had lived for 50 years in Chicago. At his death the family home in Wheaton, where Robert R. McCormick now resides, became her home. A frequent world traveller she died sojourning in Paris, France. Her body was returned to Chicago and deposited in the Medill family plot in Rosehill Cemetery.

Before she left for her last visit to France, Mrs. McCormick made a new will. Weymouth Kirkland wrote it for her. In it she clearly stated that she was a resident of the City of Chicago; she was proud of it. Before her departure for France, she wrote to the Collector of Internal Revenue for the United States with whom she had large money transactions, a letter in which she officially gave him her address as Chicago.

When her will was offered for probate as it was in the Probate Court of Cook County, there was due from her estate to the State of Illinois, an enormous inheritance tax.

Robert R. McCormick was the executor of the will and one of the principal beneficiaries of this enormously rich estate.

Robert R. McCormick, who had been taught with his mother's milk to cheat and defraud whenever he could, determined to swindle the State of Illinois of that inheri- [fol. 94] tance tax. A politician, Harry B. Ash, "Supported" for office by the Chicago Tribune, was in charge of the inheritance tax division of the office of the Attorney General of Illinois.

Robert R. McCormick, quietly with no "publicity" appeared before that faithless politician, arose on the witness stand, took an oath to his God to tell the truth; then, lied like a horse thief; he swore that his mother, Katherine Medill McCormick, was not a resident of the State of Illinois; McCormick was followed on the witness stand by the four-times indicted Weymouth Kirkland. He also took the oath to his God to tell the truth; then, with a straight face, he, too, swore that Katherine Medill McCormick was not a resident of the State of Illinois. To curry favor with the degenerate son of a dead and defenseless client, Weymouth Kirkland, a lawyer, thus repudiated a mandate in a will which a client for reasons of her own, had paid him a large fee to insert in it.

The politician, Harry B. Ash, upon the self-serving testimony of these two dressed-up, pink-scented scoundrels, decided that Katherine Medill McCormick was not a resident of the State of Illinois. By that one-man decision, the State of Illinois was robbed of an enormous sum of money due to it, and Robert R. McCormick and his crooked lawyer, Weymouth Kirkland, were correspondingly enriched.

But, the established law of Illinois is that residence is purely a matter of intent; there is no other law. Katherine Medill McCormick, having expressed in writing, in her last will, that she was a resident of the State of Illinois, the decision of Ash to the contrary is void. The estate of Katherine Medill McCormick still owes the State of Illi- [fol. 95] nois the money due to it for the inheritance from that enormous estate; it can be collected; it will be collected with interest; fraud is never outlawed in Illinois, even when committed by Robert R. McCormick and Weymouth Kirkland, as it was in this infamous transaction

with the State that protects them and their vast property.

The facts and the evidence of the Chicago Tribune's 100 million dollar steal from Cook County and Robert R. McCormick and Weymouth Kirkland's pollution of the entire court system of Illinois, in a vain effort to hide their crimes, is even worse than it is in the above summary of the evidence, dug from actual public records.

For years, all the deacons and nearly all the members of the Puritan Church believed that the Chicago Tribune was the palladium of their liberties. Recently, by an Act of God, there was revealed to this Church, evidence from the private papers of the Medill family, that since the year 1873, while the Chicago Tribune was hypocritically shouting that it was a free press watching the "interests of the public", it was robbing Cook County of a sum of money which now amounts to approximately 100 million dollars. Every dollar of stolen money has been traced into the private bank accounts of Robert R. McCormick, the editor of the Chicago Tribune, Joseph Medill Patterson, editor of the New York Daily News, and Mrs. Eleanor Patterson Schlesinger, the editor of the Washington, D. C., Herald, and into the bank accounts of the other stockholders of the Tribune, who have become millionaires by reason of [fol. 96] the Chicago Tribune's enormous money thefts from Cook County. Before making public the cowardly crimes and the constitutional violations which the evidence reveals were committed by Robert R. McCormick, the Puritan Church submitted the evidence to the best legal authorities. All pronounced the evidence to be irrefragable; all say that for committing the crimes he has, particularly fixing crooked judges to write crooked opinions, Robert R. McCormick should be either incarcerated in an insane asylum or taken out by a posse of indignant and robbed fellow citizens, and either shot or hanged to an oak tree, as was done in Illinois when horse stealing instead of stealing money from the County was the principal occupation of gentry of the ilk of Robert R. McCormick.

His grandfather, Joseph Medill, was a typical product of the "Tragic Era" during which he lived. Base, ignorant, and selfish by nature, cunning, hypocritical and greedy by training, the midnight steal of the lease on the property of the school children of Chicago, by which the school children were deprived of penny lunches and the Medill Family enormously enriched by the fraud, was the

outstanding event of his selfish career. This deal was put through the School Board by A. S. Trude, the general counsel for the Chicago Tribune and also at the same time the president of the School Board. In 1925, the Chicago Tribune sold this lease for a profit of $6,040,000 cash, according to its own books.

A multi-millionaire at his death, Joseph Medill died, not leaving to Chicago even a book for its public library, or a plant for its public parks. His daughter, Katherine [fol. 97] Medill McCormick, was a "chip off the old block". Ignorant, penurious crass and materially ambitious, her enormous expected money inheritance from her father enabled her to marry into a socially prominent Chicago family. The influence of the Chicago Tribune and the socially prominent husband whose bills she grudgingly paid, permitted her to live in the capitals of Europe, where she could "rub noses" with "royalty", and laud it over them with her American dollars.

Her son, Robert R. McCormick, was also a "chip off the old block." He was practically brought up by cheap servants, while his mother was gadding about Europe. But he had the advantage of good schools and Yale University. There is no defense like ignorance, which his grandfather and mother had, to the crimes against his state and his fellow man, which the evidence in the possession of the Puritan Church reveals he committed, except that he is, also, insane. His only brother, Medill McCormick, was pronounced incurably insane by the celebrated alienists, Patrick, Worthy and Jung. A raving maniac, Medill McCormick had to be taken in his pajamas off a New York Central train at Syracuse and held there, in a common jail, in a padded cell, until he could be soothed. Later, he died in Washington, D. C., under circumstances in which raving maniacs usually die.

The "What a Man" letter written by McCormick; his statement that the U. S. War Department consulted him about the defense of Detroit against a friendly nation; his antics at social gatherings that he might be considered the "life of the party"; his insistence that he be [fol. 98] given the "seat of honor" at banquets, and be permitted to speak on the subject of the evening, whether or not he or his "ghost writers" know anything about the subject; the "railroads" of innocent men to prison in which he has engaged; the cowardly crimes he had wan-

tonly committed, in order to make himself a multi-millionaire; his insistence that the Police Department of Chicago ride him home in one of the department's "Squad Cars" at the public's expense; his lawsuits with his farm neighbors about trifling money matters; his attempt to "welch" on a debt of honor; his employment and close association with professional murderers, like Jack Gentleman, Mossy Enright, Gyp the Blood, Philadelphia Jack Barry, and other hoodlums and anonymous letter writers, like Al Capone and Jake Lingle, indicate that there might be a screw loose in the mental machinery of Robert McCormick, as the celebrated alienists found there was in that of other members of his immediate family.

His position as the head and control of an important newspaper which he occupies by an accident of birth; his known hatred for the Jews, the Puritans and the Negroes; his means for inciting other men against them; (he employs that self-confessed news faker, J. Loy Maloney, as the managing editor of the Chicago Tribune); his insistence that he be the political "Boss" of Illinois, and the head of the Republican Party in the U.S.; his demands that he be permitted to run an important war on two fronts, even when his ideas are counter to those of the sane West Point trained military officers of the U. S. [fol. 99] Army; his control of over 100 million dollars with the right in his obvious mental condition, to spend it as he chooses, even to the destruction of our government, compels the Puritan Church in its duty to its otherwise defenseless congregation, and to its neighboring defenseless congregations, to proceed in view of the fear of public officials of the blackmailing Chicago Tribune, to the criminal prosecution of this man, if he be sane, or his incarceration in a suitable institution, under guard, if he be insane. No orderly society can endure, in which a man who is either a criminal, or insane, insists upon the leadership of it by his inherited control of a privately owned money-making corporation called a newspaper.)

And Whereas, the public records show that all the judges who issued the obviously crooked orders and opinions for McCormick, his newspaper and his crooked law firm, were unqualifiedly advocated and re-elected by the "support" and endorsement of the Chicago Tribune, to places on the Circuit and Superior Courts of Cook County, and to the Appellate and Supreme Courts of Illinois, where they now

sit passing judgment on the lives and property of defenseless men and women who have no way in the law of Illinois, to protect themselves against the depravities which such scoundrels will commit under the cover of a court order and opinions;

And Whereas, the said McCormick has already started atrocities on the Jews, the Negroes and the Puritans, by having one of his crooked Judges write a crooked opinion under which a Puritan was "railroaded" to the Cook County Jail and held there, while unspeakable atrocities were inflicted upon him there by Howard Ellis of the [fol. 100] Notorious law firm of Kirkland, Fleming, Green, Martin and Ellis, the lawyers for McCormick in all his cowardly "railroads" of innocent men, and his thieving operations to increase his private fortune;

And Whereas, Dwight H. Green, McCormick's Governor of Illinois, by the orders of the same McCormick, has and is violating Article 5 of Section 6 of the Constitution of Illinois;

And Whereas, one Werner Schroder, McCormick's member from Illinois of the Republican National Committee, walks in and out of the back doors of the chambers of the crooked judges of the Supreme Court of Illinois, to make political deals for them and with them, and for the said Robert R. McCormick;

And Whereas, neither life nor property nor reputation, neither the Jew, Negro nor the Puritan is safe, when the Constitution of Illinois is violated, its law defied, its courts corrupted, and the elected state officials from the Governor of the State down to the policeman on his beat, who allows the "bookies" to operate, are under the domination of a man whose public record is that he is a liar, a cheat, a thief, a court-fixer, a constitution violator, a free-lover, and an all-around scoundrel, and a white-livered coward;

And Whereas, the courts of Illinois are unable to cope with the power of this corporately owned newspaper; to withstand its threats, its bribery and its blackmail; its interference in the nomination and election of judges by control of ward committeemen and county organizations, and its praise for judges who obey the orders of its [fol. 101] McCormick, no matter how corrupt such judges may be, and by its assaults upon and abuse of honest

judges, who refuse to carry out such orders, is creating a situation where the courts of Illinois are not open to the citizens of Illinois;

And Whereas, the constitution of the United States provides that no citizen shall be deprived of life, liberty or property without due process, when as a matter of fact, due to the corrupt power wielded by the said McCormick and his privately owned Tribune, citizens of Illinois have been and are denied due process of law and equal application in all cases in which the said McCormick and his newspaper or his lawyers are a partisan or interested, and the State of Illinois is denied the republican form of government guaranteed to it by the United States Constitution;

And Whereas, by reason of the power of the said McCormick and his Tribune, and their corrupt use of money, their power to frighten and intimidate public officers of said State of Illinois, including the Governor, its Legislature, and its Supreme Court, it is impossible for citizens of Illinois to have the help of such public officers in bringing said McCormick and the said Tribune before any court where complaints against them will be given a fair trial.

Now, Therefore, Be It Resolved, And It Is Hereby Resolved, that the Federal Government at Washington, D. C., be petitioned and it is hereby petitioned under the first and fourteenth amendments to the Constitution of the United States of America, to:

[fol. 102] 1. Convene a Federal Grand Jury to investigate the evidence under which each and every charge in this petition is brought; if it be true that the civil liberties of Nationals living in Illinois have been invaded by the scoundrelism that is rampant in Illinois, then,

2. Place Illinois, by the war powers conferred upon our President, Franklin Delano Roosevelt, under military rule;

3. Convene a military court, and under the rules of such a court try for the crimes which they are charged with having committed against the civil liberties of the Nationals who are compelled to dwell in Illinois, the following men: Robert R. McCormick, Joseph Medill Patterson, Weymouth Kirkland, Judges Harry M. Fisher, Joseph Burke, John Prystalski, Hugo

Friend, Joseph A. Sabath, and Justices Wilson, Gunn and Stone of the Supreme Court of Illinois. If found guilty, they should be taken out either by soldiers or a posse of civilians and shot, as a warning to other scoundrels, that our Federal Government will not tolerate the violation of a State Constitution, and the "railroad" to prison or jail of innocent men by the order of crooked judges in the hire of this scoundrel, McCormick;

4. Collect from Robert R. McCormick with interest, every cent of the inheritance tax due to the State of Illinois from the estate of Katherine Medill McCormick;
5. Collect from the Chicago Tribune with interest, every cent it has stolen from Cook County;

[fol. 103] 6. Call a Constitutional Convention in Illinois, to make a new constitution which in the future will prevent thieves from obtaining the control of a newspaper and using it to blackmail fortunes for its stockholders;

7. Re-establish in Illinois the republican form of government guaranteed to every state by the Constitution of the U. S. A., which has been destroyed in Illinois, by the illegal and unconstitutional operations of the Chicago Tribune, McCormick, Kirkland, Patterson and their crooked judges.

And, Be It Resolved, And It Is Resolved, that a Committee consisting of Conrad Miner, Charles Norris and Harrison Parker be, and they are hereby appointed to deliver this petition of our grievances to the proper United States Government authorities, and to do such other things as may be needed to prevent government of the people, by the people and for the people, being destroyed in Illinois, by the scoundrels lead by Robert R. McCormick, Joseph Medill Patterson and their notorious Weymouth Kirkland.

.....

The Appointed Secretary
of the Joint Meetings.

[fol. 104] STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

Harrison Parker, being duly sworn, deposes and says that he was the appointed secretary of the Joint Meetings of the Ecumenical Council of the Puritan Church of the United States, held at the Masonic Hall, 32 W. Randolph Street, Chicago, on August 16, 1943, and in Chicago on February 5, 1944; that Deacon William Ede presided; that the above is a true amended copy of one of the resolutions unanimously passed at said meetings.

.....

Subscribed and sworn to before me this .... day of January, A. D. 1945.

.....

Notary Public.

[fol. 105] EXHIBIT 4 TO PARKER'S ANSWER OF THE PURITAN CHURCH—THE CHURCH OF AMERICA

JANUARY 15, 1945

Hon. Francis Biddle
Attorney General of the U. S. A.
Washington, D.C.

Dear Sir:

I have been directed by the Ecumenical Council of the Puritan Church, to forward to our Federal Government their petition of their grievances. This, by its order, was held until after the recent national elections and the Christmas holiday.

Robert R. McCormick, the editor of the Chicago Tribune and his crooked lawyer the eight times indicted Weymouth Kirkland, have introduced scoundrelism into journalism, hoodlumism into the practice of law, and gangsterism into the business life of Illinois. They have corrupted the entire system of Illinois, from Eugene McGarry's corrupt Municipal up to and including Francis Wilson's crooked Supreme Court of Illinois:

Neither life nor property nor reputation is any longer safe in Illinois. The "scale" price of murder in Chicago

has been reduced to $300.00. There is strict legal evidence that Weymouth Kirkland a hoodlum, and Howard Ellis a known writer of scurrilous anonymous letters, dressed up as the "Tribune law firm" have been behind several attempted murder jobs in Chicago.

These gentlemen by the corruption of the entire taxing machinery of Illinois, and the pollution of its Courts to allow their depravities, have made it possible for the Chicago Tribune, a close private corporation, to steal from the defenseless state of Illinois, a sum of money which with penalty added, now amounts to the enormous sum of one hundred million dollars.

Our Puritan mothers took their austere babies in their religious arms and fled Europe over the ocean, to bring up on American soil their little children to obey the laws of God—come what might come to them, come what might [fol. 106] come to other men—to obey the laws of God at all times.

Anarchy is the reverse of the law of God. According to the evidence in the possession of this Church, Robert R. McCormick and his Weymouth Kirkland are anarchists, destroying "from within," the government by law, set up with the blood of the direct sires of the present members of this Church, shed at Concord, at Bunker Hill and at Valley Forge.

The local Grand Jury has been "packed" by these unconscionable scoundrels, Robert R. McCormick and Weymouth Kirkland. Access to it has been sought and refused to men and women who have strict legal evidence of every allegation made in the enclosed petition of our grievances and repeated in part in this letter, and the legal right to appear with it before a Grand Jury.

We respectfully petition our federal government to convene in Chicago a special United States Grand Jury, in charge of a special prosecutor, in order that our complaints may have an orderly legal hearing such as is guaranteed to us by the Constitution of the United States. We are,

Very truly yours, The Puritan Church, by Harrison Parker, Its Chancellor.

[fol. 107] EXHIBIT 5 TO PARKER'S ANSWER OF THE PURITAN CHURCH—THE CHURCH OF AMERICA.

JANUARY 15, 1945

The Anti Defamation League,
100 North La Salle Street
B'Nai B'Rith,
Chicago, Illinois.

Gentlemen:

The Puritans of the U. S. A. organized into their Puritan Church, would like to work co-operatively and effectively with the Jews of the U. S. A., organized into their Anti Defamation League, to protect the institutions of the existing form of government which if allowed to function naturally, and without any change, would automatically protect Jew, Catholic, Protestant, Puritan, the "laboring man", the Capitalists, as well as all other groups.

Under the form of government of the U. S. A. as it exists, could and should be Americans. There should not be groups of C. I. O.'s Manufacturers, Jews, Catholics, Protestants, Puritans, etc., which are being formed all over the country at an alarming rate. The very fact that such organizations are being organized and growing so rapidly shows that there is a general feeling that the government is no longer "a government of all the people, by all the people for all the people," as it was originally described by a Puritan Theodore Parker, and repeated by Lincoln.

The Puritan mother grimly took her austere baby in her religious arms and fled Europe over the ocean to bring up in a log cabin on American soil, her little child to obey God—come what might come to him, come what might to other men—to obey God at all times.

To do that first, and all else as incidental to that, the direct sires of the present members of this Church, set up the existing form of government, with their blood shed at Concord, at Bunker Hill, and at Valley Forge, fighting with guns along with Washington.

[fol. 108] The Puritan idea of government thus set up, is founded in human nature, and comes from the nature of God, who made human nature. To carry it out politically is to execute justice, which is the will of God. This idea,

in its realization leads to a democracy, a government of all, by all, for all.

To enjoy the shelter and the prosperity which naturally flows from such a government, the Puritans invited the Jews, the Catholics, and all other decent men and women throughout the world, to come to America and partake here of the blessings which God always sends along with His shelter and His prosperity. And they came, by the millions, and working along with the Puritans, they made the U. S. A. the most powerful nation of the whole world, and the envy of the tyrants whose shores the Jews and the Catholics and all other groups, deserted to become Americans.

Now under the name of liberalism with specious promises of securities which are impossible under a government operating under the orderly laws of God, some scoundrels, some agitators, some self-styled editors, some wolves in sheep's clothing, some men insane from indulgence in the rich food and the luxury, which always flow from an orderly government, are attempting with cockeyed ideas on government, to destroy the form of government set up by the Puritans.

These, and their ideas the descendants of the original Puritans in the 10th generation born on American Soil, and still members of this Church, will oppose even if it be necessary to spill more blood on American Soil.

The law abiding, peace loving Jews have as much of a stake in maintaining the existing form of government in the U. S. A. as the Puritans have. Therefore, this Church is writing this letter to you, to invite you to work co-operatively and effectively with it, for our mutual self-protection and for the mutual protection of our children and our homes.

In our previous letter to you, we stated that this Church had indisputable evidence that the Chicago Tribune, by a violation of the Constitution of Illinois, by a defiance [fol. 109] of the law passed by her legislature, and by the corruption of the entire court system of Illinois from Eugene McGarry's corrupt Municipal up to and including Francis Wilson's crooked Supreme Court of Illinois, had stolen from the defenseless State of Illinois, a sum of money which with penalty and interest added now amounts to the approximate sum of 100 Million Dollars.

That one part of the stolen money had been checked out by the Tribune Company to its greedy multi-millionaire stockholders as cash dividends, at the rate of 500% per month, on an invested capital of $200,000, and the other part had been invested in a "Canadian Empire" that is now appraised at 50 Million Dollars cash.

That the steal was accomplished by the open notorious cowardly and illegal connivance between the Tribune Company, the owners of the Chicago Tribune, and two Jews: one Harry M. Fisher, a Judge of the Circuit Court of Cook County; and the other Jacob Shamberg, the Assistant State's Attorney of Cook County.

That both of these gentlemen had been paid a large salary by the State, to protect the State, and both according to the evidence in our safe deposit vault had in order to gain the favor of the thief, the Chicago Tribune, had criminally sold out the State which they had been paid to protect.

That this Church intended to compel the Chicago Tribune to disgorge every cent of the stolen money, and drive both Harry M. Fisher and Jacob Shamberg off the public pay-roll and into the obscurity that both had merited by their venal conduct in State affairs.

That strict legal evidence of the disgraceful conduct of both these gentlemen now in the possession of this Church, was open to your lawyers.

That if the evidence in the opinion of your lawyers were not perfect, this Church would proceed no further; that if it were perfect, this Church desired the Anti Defamation League to stand by its side, in the fight it intends to make on all concerned, in this outrage on our government, if for no other reason than to prevent the fight on [fol. 110] these men being called a fight against Semitism.

Your answer to that letter addressed to the Anti Defamation League is here quoted:

"I have referred this matter to our Director, Mr. Gutstadt, who desires that I advise you that this does not fall within the preview of the Anti Defamation activities, and we therefore will be unable to be of service to you.

Very truly yours, Stanley S. Jacobs."

Notwithstanding this curt personal answer of the individual and unknown Mr. Jacobs to an important letter

addressed to your League by this Church, the Puritan Church still desires to work co-operatively and effectively with the Jews, to protect the existing form of government for them as well as for the Puritans and all other law abiding and peace loving groups.

The theft of a 100 Million Dollars from the State, by the Chicago Tribune, is a small matter compared with the pollution of the Courts of Illinois which Robert R. McCormick, the Editor of the Chicago Tribune, personally ordered in a vain attempt to hide the enormous steal.

The Courts under the form of government set up by the Puritans, are the last bulwarks of our Liberties. When they can be corrupted as the record shows they have been, by the named men, neither Jew, Catholic, Protestant nor Puritan is any longer safe; life and reputation are in danger, and property is not worth the efforts to accumulate it; all are held at the sufferance of the scoundrel who can and will corrupt the crooked Courts.

It is the opinion of our trustees, that in our previous letter, we did not adequately describe the evidence in the possession of this Church, which it intends to use in a national fight against the corruption existing in the Courts, whether the organized Jews fight side by side with it, or whether they fight against it. Here is the complaint of the Puritan Church:

[fol. 111] The public records of Illinois show that for 66 consecutive years the Chicago Tribune violated the Constitution, defied the law passed by her legislature, and corrupted the public officials and the Courts to aid it in its enormous steals.

When the evidence of its crimes were discovered and presented to Jacob Shamberg, the Assistant State's Attorney, responsible for the prosecution of such crimes, he refused to act. With the identical facts and identical law, he proceeded against the Pioneering Tailoring Company, which had committed against the State of Illinois, the same crime which the Chicago Tribune had. From the Pioneering Tailoring Company, he recovered for the defrauded State of Illinois, every cent of the stolen money; there was less than $20,000 involved in its steal, while there was 100 Million Dollars involved in a like steal by the Chicago Tribune.

When Shamberg refused to act against the politically

powerful thief, the Chicago Tribune, a taxpayer filed a lawsuit to compel — to disgorge its loot. Then, Shamberg joined the Tribune lawyers in attacking and slandering the brave citizen. And he made before the Courts obviously crooked motions aimed to illegally defeat the State and aid the Chicago Tribune to cover its steal.

One of these crooked motions was made by Shamberg before Judge Harry M. Fisher, before referred to, in case 38-C-3209.

The illegal order issued by Fisher in that case at the request of Shamberg, to swindle the State which paid both Fisher and Shamberg to defend it, was more crooked than any ever issued by Judge Manton of Atlanta Prison.

This Church has a certified copy of Shamberg's crooked Motion and Fisher's crooked order; no Court of final jurisdiction has ever upheld a single one of Shamberg's crooked motions, or Fisher's crooked order; these will be submitted to your lawyers. If they do not agree in what we say about them, this Church will proceed no further in this matter. If they do agree, the Anti Defamation, as well as [fol. 112] every other League of good citizens, should be fighting with the Puritans.

This order of the faithless Fisher in this litigation, appealed to the Supreme Court of Illinois, was so crooked that the entire Supreme Court of Illinois, had to be either influenced, intimidated or bribed by the Chicago Tribune to write a crooked opinion in case 24881, reported in 370 Illinois Supreme at page 243, in a vain attempt to cover Fisher's judicial depravity; it is so crooked that even a corrupted Supreme Court cannot cover it, even with adroit language; it could not end the litigation as it was corrupted to do; a cause of action still remains.

If your lawyers will read this record and report, after examining it, that it is not as vile as we have carefully described it, this Church will proceed no further against either Fisher or Shamberg. If your lawyers do report that it is as vile as we have described it, then the Anti Defamation League cannot afford not to co-operate with the Puritan Church in its determination to clean up the crooked courts. Such courts are as much a menace to the Jews as they are to the Puritans; a crooked Jew Judge is as dangerous a foe to law and order and humanity, as a

crooked Puritan, a crooked Protestant, or a crooked Catholic Judge.

Yes, the public records show that Robert R. McCormick, the Editor of the Chicago Tribune, is an all around scoundrel; he and his family under the constant plea for more "freedom for the press," have stolen from the State which protected them, more money than was stolen by the Tweed gang of New York, the Pendergast gang of Kansas City and the Kelly gang of Chicago; the Medill McCormick fortune is the filthiest fortune ever accumulated in the U.S.A., according to the public records.

Yes, the Chicago Tribune is a powerfully entrenched privately owned and corrupt newspaper.

Yes, the Chicago Tribune has on hand a surplus of more than 100 Million Dollars stolen from the State of Illinois, which it does not hesitate to use to destroy men who are brave enough to call it from Court records a menace to our form of government. And Robert R. McCormick, who [fol. 113] has the stock control of it, a thief, a liar and a court fixer.

Yes, Robert R. McCormick has been the employer and business associate of hired assassins like Mossy Enright, Jake Lingle, Jack Gentleman, Philadelphia Jack Barry and other gangsters and murderers.

Yes, Robert R. McCormick employs as his general counsel the eight times indicted Weymouth Kirkland, who has also been the General Counsel for Moe Annenberg and other thieves, law-breakers and thugs; he is not allowed to practice law in the Courts of New York State. In the Appellate Court in file 39804, there is proof that this Kirkland is a common hoodlum dressed up as a lawyer.

Yes, Robert R. McCormick employs as the Managing Editor of the Chicago Tribune, the self-confessed "news faker" J. Loy Mahney; no government, no man, no property is safe with a news faker in charge of the news department of a daily newspaper.

Yes, Robert R. McCormick introduced scoundrelism into journalism, hoodlumism into the practice of law, and gangsterism into the business life of Illinois.

Yes, in Chicago now dominated in all departments of its government by men personally selected by Robert R. McCormick and bally-hooed into office by the dishonest praise of his corrupt Chicago Tribune, the "scale" price of mur-

der is $300. Any Jew, any Puritan, at any time, can be murdered on the Streets of Chicago and the murderer will go unpunished for $300. This Church possesses the evidence of the "scale" price, and it has strict legal evidence that since the "scale" price of murder was now dropped within the reach of all, the Tribune law firm founded by Robert R. McCormick, has tried several little "murder jobs," and has "railroaded" at least one innocent man to Joliet Prison where he was held for 8½ years, and at least one innocent man to the Cook County Jail, where he was held until the cowardly and unscrupulous Weymouth Kirkland uninvited, personally called at the Jail and there released the outraged man, as easily as he [fol. 114] had been locked there by the Tribune law firm, in a vain attempt to blackmail him to dismiss an orderly legal lawsuit, which he had courageously filed against the blackmailing, law breaking, Constitution violating Chicago Tribune.

With these facts before them and a proffer of strict legal evidence to substantiate each and every allegation carefully made in this letter, we do not know what the Anti Defamation League of the B'Nai B'Rith is going to do. But we know what the Puritan Church is going to do. It is going to fight to restore and maintain in the U.S.A. the orderly law of God, as it is expressed in the Declaration of Independence, in the Constitution of the U.S.A. and in the hearts of all decent men and women. And it is going to ask every man and women in Illinois, with either property, children or any other stake in the preservation of orderly peaceful government, to uphold it in spirit, if not with money, as the Anti Defamation League is upheld by the money contributions of the Jews, to end the anarchy that now exists in Illinois, with Judge Harry M. Fisher on the Circuit Court of Cook County, and Jacob Shamberg as the Assistant State's Attorney of Cook County.

If the "activities" of the Anti Defamation League are combined, as Mr. Jacobs intimates in his curt letter, to merely protecting the Jews, even when they are engaged in destroying "from within" the institutions of government which should protect all of us, it is time to widen its "activities," to protect the government which would automatically protect the Jews, if the Jews would join the Americans and compel it to function as it is outlined in

the Declaration of Independence, in the Constitution of the U. S. A. and in the hearts of all decent men and women. We are,

Very truly yours, The Puritan Church, by Harrison Parker, Its Chancellor.

[fol. 115] EXHIBIT 6 TO PARKER'S ANSWER OF JANUARY 15, 1945.

THE PURITAN CHURCH—THE CHURCH OF AMERICA

December 20, 1944

The Illinois League of Women Voters,
225 North Michigan Avenue,
Chicago, Illinois.

Dear Mesdames:

This Church would like to work co-operatively and effectively with you, to amend the Constitution of Illinois. It can be re-written, only if the fight necessary to accomplish it, be around the depravities which the millionaire stockholders of this Chicago Tribune have committed, under the present Constitution.

There is in the possession of this Church, strict legal evidence that by a violation of the Constitution of Illinois, for 66 consecutive years, the Chicago Tribune stole from the defenseless State of Illinois a sum of money, which with interest and penalty added, now amounts to the approximate sum of 100 Million Dollars.

In a vain attempt to hide this enormous steal, the Courts of Illinois from Eugene McGarry's corrupt Municipal up to and including Francis Wilson's crooked Supreme Court had to be either influenced, intimidated or bribed to ignore the Constitution of Illinois and defy the law passed by her Legislature.

One part of the stolen money was paid out by the Chicago Tribune to its multi-millionaire stockholders, as monthly cash dividends at the rate of 500% per month on their invested capital of $200,000: the other part was used to acquire a "Canadian Empire" which is now appraised at 50 Million Dollars.

The corporate surplus of the Chicago Tribune is over 100 Million Dollars; every cent of this would be used by the Chicago Tribune, if necessary to defeat any change in the present Constitution which has permitted it, with the connivance of crooked Judges, to steal the money it now has. All this evidence is available either to your lawyers, [fol. 116] or to you in open meeting to which the Chicago Tribune should be invited to attend.

The 20 odd Chicago Tribune stockholders do not want an income tax in Illinois; therefore, their privately owned newspaper will oppose you, and defeat you, unless you determine that the interests of the State are above the interests of the multi-millionaire stockholders of the Tribune. By hypocritically concealing its private interest behind a plea of a public interest, the tax thieves who have had the control of the Chicago Tribune, for three generations have defeated every attempt made by the decent persons of Illinois, to re-write its antiquated Constitution.

The seemingly public spirited editorial printed in today's Chicago Tribune, is a sample of the dastardly and cowardly influence which you and all other decent citizens must fight, if Illinois is to be rescued from its jungle state.

Under the specious plea, that it is protecting the interests of the "boys at the front," the Tribune cunningly says, the Constitution must not be amended in their absence. Yet the records of Illinois show that while the "boys" were at the "front" in 1918, the Chicago Tribune stole from the State of Illinois, 12 Million Dollars, which it transferred to its stockholders as cash dividends. While "our boys" are at the "front" now, the Chicago Tribune with the connivance of the Kelly-Nash machine which it keeps in power, has stolen another approximate three million dollars.

A fight to re-write the Constitution will again end in naught. But a fight on the Constitution violations of the multi-millionaire Chicago Tribune, will as a "cushion spot," cause a public indignation which will result in the re-writing of the Illinois Constitution. Your organization having undertaken the task which it has, will lose its influence, unless it accomplish what it has undertaken.

We trust that you will send your counsel to view the evidence to which we have referred in this letter. If it be [fol. 117] what we assert it is, we also hope that you either

work co-operatively and effectively with us, or you permit us to work co-operatively and effectively with you.

Very truly yours,

The Puritan Church:

By:

Harrison Parker, *its Chancellor.*

On January 15, 1945, the defendant filed the following petition for a rule upon Parker to show cause:

PETITION FOR RULE TO SHOW CAUSE.

Now Comes The Defendant, Jacob Shamberg, by Kirkland, Fleming, Green, Martin & Ellis, his attorneys, and represents to the Court as follows:

(1) That one E. E. Wenger, a notary public, (after notice duly served by this defendant on the plaintiff) issued Notary's subpoenas duces tecum, directed to one Elmer Benton and one Agnes Richardson, commanding them to appear before him at Room 3200, 33 North LaSalle Street, Chicago, Illinois, on February 21, 1944, at 2 o'clock p. m., and further commanding said Agnes Richardson to bring with her certain books and records of the so-called "Puritan Church," once the so-called "Brotherhood of The Ancient Order of St John"; that at the time and place aforesaid neither of said witnesses appeared before said Wenger; but Harrison Parker, plaintiff in this action, did appear before said Wenger and, acting as counsel pro se, stated that said witnesses would not appear to tes- [fol. 118] tify; all as appears from the petition of said Wenger duly filed in this cause on February 25, 1944.

(2) On February 23, 1944, said Parker duly filed in this cause a petition under oath, reciting in substance the issuance of said subpoenas as set forth in Paragraph 1 hereof; and further stating:

> "* * * that the records of said [Puritan] church are not material to the issues of this cause * * * and praying that an order may be entered herein restraining the Puritan Church of La Grange * * * from producing any papers, books or records before E. E. Wenger, a notary public of Cook County, Illinois, without having first obtained an order of this court so to do."

Said petition was sworn to by said Parker.

(3) On February 28, 1944, said Benton and Richardson appeared before said notary, Wenger, to give their depositions, but refused, after objections by said Parker [acting as counsel pro se], to answer numerous questions directed to them by this defendant's counsel; that during the course of said examination said Richardson was asked by this defendant's counsel whether she had brought with her the books and records of said so-called "Puritan Church" called for in said subpoena duces tecum theretofore served on her; whereupon the following transpired:

"Q. Did you bring the papers with you?

A. I didn't know I was supposed to bring them.

Mr. Parker: Q. Have you got them?

A. I think I have got them.

Q. Listen, Doctor, have you got any records of the Puritan Church called for in this paper?

A. No. He is talking about these papers.

Mr. Bates: The things called for in the subpoena.

[fol. 119] Mr. Parker: Q. Have you any records of the Puritan Church in your possession?

A. Mr. Parker, will you please be calm. Mr. Parker, he is referring to the subpoena papers. On the back of the subpoena papers there were questions pertaining to this nonsense you are going over. It was irrelevant to the case. There was not a thing about the remarks Mr. Shamberg made. It was all irrelevant, and I didn't think, on constitutional grounds that I should be there.

Mr. Martineau: Q. Are you an attorney?

A. No, I am not an attorney, but I do have a divine in me that guides me once in a while.

Q. Divine what?

A. Divine spark that guides me once in a while, I hope.

Q. In order to get this straight, you say there were some questions on the back of this subpoena that was served on you?

A. Mr. Martineau, you have that subpoena. I may be wrong. On the back of that subpoena paper there were some questions you asked me to bring in, you understand.

Q. It was a subpoena duces tecum.

A. Mr. Martineau I don't know the terms, you see, for these papers.

Q. Let us get it straightened out so that we don't have anything wrong in the record. In other words, what we call a subpoena duces tecum was served on you?

A. Yes.

Q. Requiring you to come and testify, also to bring some records of the Puritan Church.

A. That is what I am referring to.

Q. Do you have those records in your possession?

A. Mr. Martineau, I am not going to say. I think I may have them at home.

Mr. Parker: Q. Doctor, have you any records of the Puritan Church at your home?

A. He asked me about the subpoena papers. How could I have anything? I have no records of the Puritain Church.

Mr. Parker: You are talking about the subpoena papers?

[fol. 120] Mr. Martineau: No, I am talking about the papers called for in the subpoena.

A. Oh, no, you are talking about the subpoena papers.

Q. No, I am talking about the papers described in the subpoena.

A. Oh, no.

Mr. Martineau: That straightens it out for you?

Mr. Parker: Yes.

Mr. Martineau: Q. Did you ever have any papers such as described in the subpoena in your possession?

A. I refuse to answer. I have not, but I refuse to answer.

Q. You haven't, but you refuse to answer?

A. Yes.

Q. Well, which is it??

A. I refuse to answer.

* * *

Q. Do you remember when you looked at that subpoena served on you, that you saw that it asked you to bring certain records?

A. Yes.

Q. Let us get it straightened out.

A. Now, you are getting straight.

Q. It called for you to produce certain records of the Puritan Church.

A. Yes.

Q. As you looked at that paper the first time it was served on you, did you at that time have any of those papers in your possession?

Mr. Parker: Of the Puritan Church?

Mr. Martineau: Yes.

A. I had no papers.

Q. Of the Puritan Church?

A. Positively not.

Q. Did you ever have any of those papers in your possession?

A. No.

Q. Never in your life?

A. Never."

(4) On or about March 1, 1944, said Parker duly filed a second sworn petition in this cause reciting:

"* * * that the defendant herein * * * has served a subpoena upon Elmer L. Benton and Agnes Richardson to appear before this court or before E. E. Wenger, [fol. 121] a notary public of Cook County, Illinois, and produce said records pertaining to the Puritan Church of La Grange, Illinois, The Brotherhood of The Ancient Order of St. John, and the Order of Kyria, and that said subpoena was served without a petition being presented to this court; * * * that Elmer L. Benton, Agnes Richardson, The Puritan Church of La Grange, Illinois, The Brotherhood of The Ancient Order of St. John, and the Order of Kyria are not parties to the above entitled cause and that the records of said parties, church, and organizations are not material to the issues of this cause * * *."

and said Parker prayed in said petition that the defendant and his attorneys be restrained from proceeding in taking said depositions and from "demanding from either or both of them [Richardson or Benton] any records of the above named religious corporations * * *"; said petition was verified by the oath of Parker.

(5) On March 2, 1944, in a hearing held in open court before the Honorable Cornelius J. Harrington, Judge, in connection with the above mentioned matters, the following occurred:

> "The Court: The records of the Puritan Church and the Order of St. John are they in the State of Illinois?
> Mr. Parker: No, sir.
> The Court: Where are they?
> Mr. Parker: I think they are both in St. Louis at the present time.
> * * *"

(6) On March 22, 1944, defendant duly filed the verified petition of said E. E. Wenger, reciting the refusal of said Benton and Richardson to answer questions at the taking of their said depositions, as set forth above in Para- [fol. 122] graph 3 hereof; and reciting further the issuance of said subpoena duces tecum requiring said Richardson to bring with her said books and records of said so-called "Puritan Church" and said so-called "Brotherhood of The Ancient Order of St. John."

(7) On the same day, March 22, 1944, this defendant duly filed in this action a second verified petition reciting in substance that said Parker had admitted that said Richardson was the so-called "Chancellor" of said so-called "Puritan Church"; that the records of said so-called "Puritan Church" were material in this cause for the following reasons:

> "(a) Your petitioner is informed and believes that Parker formed the so-called 'Puritan Church' as a means to carry on certain extortion operations and giving his activities an aura of legality.
>
> (b) Parker has admitted in his deposition that the contributions received by the 'Church' were to be used to carry on its campaign to shoot or hang all alleged 'constitutional violators.'
>
> (c) Parker has testified that a church can say or write anything about any one by virtue of the constitutional provisions as to freedom of religion.
>
> (d) Parker has testified that a church is 'legal' as long as it can be shown that it has 'solaced one soul.'

(e) Parker has produced letters from people who have purchased so-called religion from the 'Puritan Church,' most of which enclosed contributions.

(f) In a deposition said Parker has identified over 1100 letters and pamphlets, written, mailed and published to various persons, firms and corporations containing threats to expose the alleged shortcomings and [fol. 123] threats to kill and harm a larger number of persons, firms and corporations, including numerous judges and public officials whom Parker has listed as 'constitutional violators.' Many of said letters have been written by the 'Puritan Church' and signed by Parker as a purported officer thereof and are of similar language to those admittedly written by Parker himself.

(g) In a deposition Parker stated 'the Puritan Church is going to try to hang.....and....., (here he names two prominent citizens) and this Jew .....(naming a respected judge of the Circuit Court of Cook County) and the Jew....., (naming a respected judge of the Appellate Court) and some of the men of the Supreme Court who have written crooked opinions.'

From the foregoing your petition believes that the 'Puritan Church' is either in conspiracy with said Parker or is merely a sham designed by said Parker in an attempt to surround his attempted extortions with an odor of sanctity; that the books and records of the 'Church' will tend to prove the allegation in the answer that said Parker is a blackmailer."

and this defendant prayed for an order for a subpoena duces tecum directed to said Richardson to appear and give her deposition and to bring with her all books and records in her possession or control pertaining to said so-called "Puritan Church."

(8) On October 2, 1944, at 10 o'clock a. m., (pursuant to an order of this court duly entered on August 25, 1944) said witnesses, Richardson and Benton, appeared before said notary, E. E. Wenger, at Room 3200, 33 North LaSalle Street Chicago, Illinois, and again refused to answer said interrogatories directed to them by counsel for the defendant; after which said Richardson was examined

[fol. 124] by said Parker, acting as counsel pro se, and the following transpired:

"Q. Doctor, have you in your possesion at this time any books or papers or any documents of any kind or character connected with the Puritan Church?

A. I refuse to answer.

Q. Now, wait a second.

A. What was the question?

Q. Have you in your possession now any records or any papers or contracts or any documents connected with the Puritan Church?

A. Connected with the Puritan Church, yes.

Q. What have you got?

A. Well, I don't think I should go into that now.

Q. Yes, I think you should, Doctor. What have you got connected with the Church?

A. I have papers of the trustees, and so forth.

Q. What is that?

A. Papers regarding the Puritan Church.

Q. Where did you get them? Are you sure that you have them?

A. I have some papers.

Q. Of the Puritan Church?

A. You are referring to the Puritan Church?

Q. Of the Puritan Church?

A. I thought you said literature.

Q. No.

A. I haven't anything pertaining to the Puritan Church. I have some literature.

Q. That is right.

Mr. Bates: Some what?

A. Literature.

Mr. Parker: Q. Have you any time ever had in your possession any of the records of the Purtain Church? I don't mean its literature. I mean its records?

A. No, I have not.

Mr. Parker: O. K.

Mr. Bates: Why don't you ask her where they are?

Mr. Parker: Because I know she doesn't know.

The Witness: Literature?

Mr. Bates: No, records.

[fol. 125] Mr. Parker: Because I know she doesn't know, so why should I ask her? Why should I ask her

a lot of foolish questions? This woman has been tortured with a lot of foolish questions for an hour. I know she does not have any of them in her hands and she doesn't know where they are."

That after the examination of said Richardson by said Parker, said Richardson was again examined by counsel for the defendant and the following transpired:

"Q. Now, as to those papers which you testified to on Mr. Parker's examination, papers of the Puritan Church, let us get that straight, which list of papers or records belonging to the Puritan Church are or have been in your possession?

A. I refuse to answer.

Q. You answered Mr. Parker, didn't you?

A. I said literature.

Q. What papers or records——

A. Literature I thought he said.

Q. You never had any papers or records of the Puritan Church?

A. No, sir, I meant literature.

Q. Did you ever have any letters or correspondence addressed to the Puritan Church?

A. I refuse to answer.

Q. In your possession?

A. I refuse to answer."

(9) On October 18, 1944, there was duly filed in this court the verified petition of E. E. Wenger, praying that a rule to show cause issue against said Richardson and said Benton for their refusal to answer the interrogatories as set forth above in Paragraph 8; that an order was entered requiring said Richardson and said Benton to file within ten days their answer to said petition and setting the hearing of said rule to show cause and answers thereto for November 22, 1944.

[fol. 126] (10) On November 10, 1944, said Richardson and said Benton filed in writing their joint answer to said rule to show cause; and on November 22d and on November 24th said matter was duly continued until December 4, 1944.

(11) On December 4, 1944, said matter came on for hearing on the rule and the answer thereto in this court

before the Honorable Daniel P. Trude, Judge; and said Richardson testified under oath in open court that on August 2, 1943, she had certified in a certain document that she was the "duly elected and qualified Chancellor of the Congregation of the Puritan Church, a corporation organized and existing under the laws of Illinois, and the Keeper of its Records and Corporate Seal"; and when asked whether or not, according to said last mentioned document, she was "the Keeper of the Records of the Puritan Church," the following transpired:

"A. I am the keeper of some records.

Q. Here, by this resolution, "Keeper of all the records."

A. Well, there may be records I know nothing about."

When asked where said records of said Puritan Church were kept, said Richardson testified as follows:

"A. They are kept in the— I think— I don't know. I think there may be some in the office.

Q. There may be?

A. I am not sure now. I don't know.

Q. Well, as Chancellor, have you ever taken the occasion to see whether or not there are any records of the Church in the office?

A. I have only certain responsibilities, and I mind my own business.

* * *

[fol. 127] Q. Now, the question is, Doctor, have you, as Chancellor, ever taken the occasion to see if there are any records of the Church at 11 South La Grange Road?

A. There are some records there.

Q. There are some records there?

A. Yes.

Q. The others, you feel, are kept by these three trustees whom you have named?

A. I presume there are some records.

Q. Does Mr. Parker keep any of the records?

A. I don't know a thing about Mr. Parker.

Q. Is there any book anywhere recording the resolutions of the Puritan Church or its Ecumenical Council?

A. I don't know.

Q. You have never taken the occasion to find that out?

A. No, sir."

When asked to name the Board of Directors of the Puritan Church, said Richardson testified as follows:

"A. Mr. Norris, Mr. Miner and Mr. Race.

Q. Were they present at that meeting on July 15th, 1943?

A. I don't know, I couldn't say. I don't recall.

The Court: The minutes would show, wouldn't they?

Mr. Martineau: Q. Is that recorded in the minutes, such a meeting as that?

A. I presume so.

Q. Do you have those minutes in your possession?

A. I don't recall. There are so many papers, I told you I cannot just offhand simply say 'yes' when I am not sure of myself."

Thereupon the following transpired:

"The Court: Will you check your records and try to remember whether you were the keeper of such records? Check the records such as you have, and give us the answer the next time you come into court. [fol. 128[Mr. Guidarelli: Is there going to be a next time?

The Court: Yes. Now, the question is who were the trustees on July 15th, 1943.

Mr. Martineau: The trustees and board of directors.

The Court: The trustees and the board of directors according to your minutes. Now, you not only have access to the records, you were the keeper of the entire records.

* * *

Mr. Parker: Your Honor, may I help the Court? In one little suggestion, I can help the Court.

The Court: I wish you would.

Mr. Parker: The records which you have ordered this lady to bring in, the addresses of the trustees, and the minutes, and so forth, are in Canada, where

they have a perfect right to be. The Church's trustees have ordered all the records to Canada.

The Court: Tell them to order them back here again.

Mr. Parker: They won't, your Honor. I didn't want to get into any trouble. They have been there since the starting of the lawsuit.

The Court: If these records are in Canada, order them back here, and if you or Mr. Benton have any access to these records or control over them, order them back here.

Mr. Parker: I haven't any.

The Court: Haven't you, Mr. Parker?

Mr. Parker: No, I haven't.

The Court: Somebody has.

Mr. Parker: The trustees have them. They are in Canada. There is no way that this lady or Mr. Benton or myself can bring them back.

The Court: All right.

Mr. Parker: I don't want this lady to come into court later on and tell you that, for fear you might think that that was not so.

The Court: When did these records leave the jurisdiction of this court?

[fol. 129] Mr. Parker: When this law firm——

The Court: Since the starting of the lawsuit?

Mr. Parker: No, before that."

(12) Further in said proceedings, on December 4, 1944, before the Honorable Daniel P. Trude, said Parker interrupted the examination of said Richardson and volunteered a statement to the court; whereupon, having been first duly sworn, said Parker testified in part as follows:

"Now, the Ecumenical Council of the Puritan Church, of which neither Dr. Richardson or Mr. Benton are members, met in the Masonic Temple in 1942, and decided to go after the courts of the United States. That is the order of the Ecumenical Council, and they agreed to start with the Supreme Court of Illinois, and to impeach or attempt to impeach some of the judges in the nisi prius courts. That was all ordered by the Ecumenical Council.

• • • •

I am high in the councils of the Church. I am proud of it. No doubt they are proud of me or they would not have nominated me. We have been in conflict with Colonel McCormick and his whole firm. The trustees removed all the records of the Church when we found out that we were in controversy with these people. These records are today in Canada, and the trustees have not been served in this lawsuit.

Now as I understand the law, to get the records of that Church, they have got to come into this court and ask for a court order, and in that court order they have got to set up, not a theory, as they are putting forth here, they have got to set up that these records are essential, and this Court has to issue an order, which would be an appealable order.

In my opinion, no court, no upper court, and in fact I don't think this court would ever issue an order to bring in records of the Church. If that were done, [fol. 130] the courts could supervise all churches, which they cannot do.

* * * *

Now, as I understand it, your Honor, if they want the records of the Church, they have got to come here and get a court order, and they have got to set up in the court order or petition that the records are necessary, and then you have got to issue the order. That has not been done, so it is a fishing expedition, pure and simple.

For instance, one question here which Mr. Benton answered clearly: "Did you turn over large sums of money to Harrison Parker?" They knew that Mr. Benton hadn't. Of course Mr. Benton said no. It shows the character of this examination. It is a fishing expedition to try to slur the Church. Now, the Church is not worried the least bit about it, not the least bit. Every question they want to ask about the Church could be answered if they wanted to do it, and the Church has some dignity and some honor, and it is not going to let Colonel McCormick or Weymouth Kirkland go into the records, which the law provides against."

and on cross-examination by counsel for the defendant said Parker testified in part as follows:

"Q. Now, when did you say that the trustees ordered the records taken to Canada?

A. Let me see. I can give you the exact date. Sometime in the year 1941.

Q. And they have been there ever since, all the records of the Church?

A. Oh, yes, the records of the church, the minute books and all the records of the Church are in Canada.

Q. Where in Canada?

A. Well, the place is on Redpath Road. I don't know the address right now.

Q. Is the address recorded anywhere in Chicago?

A. No, it is not. The legislature provided against it and it is not.

Q. In the possession of what individual are the records?

[fol. 131] A. They are in the possession of one of the trustees.

Q. What is his name?

A. Mr. Norris is the name of the Trustee.

Q. Does Norris live near or in Montreal?

A. I don't know.

Q. Are you the Chancellor of the Church now?

A. I am Chancellor of the Puritan Church, the main church. I am Chancellor of the Puritan Church. I was elected to that. I was honored by the church of my father.

* * * *

Q. Now, what is your position in this hierarchy?

A. I am right now in charge of preparing indictments for the impeachment of Judge ——— and Judge ———. I am in charge of the political end of the Church right now.

Q. You are in charge of the political end?

A. Yes, sir.

Q. Do you hold any office in the Church?

A. I am Chancellor of the Church.

Q. You are supreme?

A. No, the Ecumenical Council is above me.

Q. Now, let me get this. This interests me.

A. I should think it would.

Q. You now answer under oath that the records of the Puritan Church have been in Canada since 1941?

A. Since 1941.

Q. Have you ever testified to the contrary?

A. I don't think so.

Q. Let me refresh your recollection. When you gave this deposition, did you make this answer to this question——

A. I think at one time they were in Milwaukee.

Q. Yes. When you gave your deposition in January and Februa in this case, did this occur, Mr. Parker? You were asked this question about some records and by-laws and so forth:

'Q. In other words, all the records of the Puritan Church and the orders generally are out of the state of Illinois?

'A. They are.

[fol. 132] 'Q. They are in the state of Wisconsin somewhere?

'A. They are.'

A. That is right.

'Q. Are they in the city of Milwaukee?

'A. I won't answer that.'

A. Yes, sir, that is right. They were in Milwaukee at one time. They were in the hands of their lawyer.

Q. Then when you say they were in Canada since 1941——

A. No, they send them from place to place.

Q. Who are the trustees?

A. The trustees at the present time, I don't know who they are.

Q. You don't know who they are?

A. I don't know who they are right now.

* * * *

Q. Now, isn't it a fact that to your knowledge and at your behest, contributions received by the so-called church are used to—isn't it a fact, Mr. Parker, that moneys received by this so-called Puritan Church are used for the purpose of printing letters and pamphlets suggesting that certain persons whom the Church claims have violated the constitution, including judges, should be hanged?

A. These contributions are made by individuals for that purpose. The general funds of the Church are not used for that purpose. There is a special fund to which some very rich men have contributed to bring indictments against the court system of Illinois. They received checks or money, thousands of dollars, for that purpose. There are some men who are very much interested in our situation out here.

Q. Have you ever testified to the contrary?

A. I don't think so.

Q. Now, I notice here the Church says it is going to use the funds it is going to get by contributions to impeach ..... and ..... and Justices ..... and ..... for the crooked opinions they have written in the Tribune litigation. Then the question is: 'Is it going to do that now?' and did you answer: 'Yes, sir'?

[fol. 133] A. Yes, sir, I answer the same thing here today. Those contributions are a special fund. It is not the general fund of the Church.

Q. How much has been received in that fund?

A. For the indictment of the judges?

Q. Yes.

A. They have got about $14,000 now.

Q. Who contributed that money?

A. I don't remember all the names.

Q. Did you handle the money?

A. No, sir.

Q. Who did?

A. The trustees.

Q. What trustees?

A. The trustees in Canada.

Q. Do they get the money in the United States and take it to Canada?

A. I think it was mailed to them.

Q. Were you present when it was mailed?

A. No, sir.

Q. How do you know it was mailed?

A. I don't know, I think so. I know they got the money.

Q. Did anybody tell you it was mailed to them?

A. I don't think so. They told me they had the funds and told me to proceed.

Q. Who told you that?
A. Mr. Race.
Q. Where?
A. I don't remember that.
Q. Did he tell you by letter?
A. No, he told me personally.
Q. In person?
A. Yes.
Q. In what city?
A. I don't remember that.
Q. When did he tell you that?
A. I don't remember that.
Q. Who was present when he told you that?
A. I don't think anybody was.
Q. Just you and he?
A. Yes.
Q. Do you have any idea when he told you?
A. No. I know we have been working on it since 1941. We have been after the courts here.
Q. Did he tell you he had received $14,000 for that purpose?
A. $14,000 for that purpose.
Q. Did he tell you where he had gotten it from?
A. No, sir.
Q. And you didn't ask him?
A. No, sir. Why should I?
[fol. 134] Q. Did you ask him where the money was?
A. No, sir.
Q. You were not concerned at all?
A. No, I am not concerned. I know we are proceeding to do that, and are spending the money.
Q. Who is spending the money?
A. Some of it passed through my hands.
Q. How was it passed through your hands?
A. In currency.
Q. Always in currency?
A. Yes.
Q. When was the last time you received currency for that purpose?
A. I don't remember that.
Q. Have you any idea when the last time was?
A. Yes, sir, the last time was when we went after the C. I. O. in the last election. I don't remember

which one of the trustees handed me the money to have printing done to go after the C. I. O.

Q. Who sent it to you?

A. One of the trustees.

Q. About how much did you spend?

A. $700.00.

Q. Where did you spend it?

A. I spent some at a little concern on Fifth Avenue, and there was a little concern in the Fisher Building.

Q. Where were those firms?

A. I can go right to them.

Q. On Fifth Avenue?

A. I mean on Wells Street.

Q. Isn't that the same concern on Wells Street you have dealt with for a good many years?

A. I think so. I don't remember the name.

Q. Have you got a receipt from the concern on Wells Street?

A. I haven't got it.

Q. You can't produce it?

A. The trustees have it.

Q. What trustees?

A. The trustees of the Puritan Church.

Q. You mean those fellows in Canada?

A. Yes, sir.

Q. So the receipt is in Canada?

A. Yes, sir. We understand the Tribune law firm, and we have our records in Canada.

[fol. 135] Q. We know your feeling. Why don't you stop the speeches?"

Said Parker further testified that he was unable to name the members of said so-called "Puritan Church" or said so-called "Mother and Father Church of the Puritan Church of La Grange, Illinois," unless he could see the records; whereupon the following transpired:

"Q. Are there any other members included in this local corporation? [Puritan Church of LaGrange, Illinois.]

A. I don't know.

Q. You cannot name any others?

A. No, sir. I will have to get the records.

Q. Now, the records of the Chicago, Illinois, church are in Canada?

A. Everything is in Canada. There is not a single record in Illinois of that church.

Q. Why were they taken to Canada?

A. Because they knew the law firm of Kirkland, Fleming, Green, Martin & Ellis, and Weymouth Kirkland told me he would fix every court in Illinois in which the Church was involved when I told him the Church decided we will take on Kirkland and McCormick. We will find out whether they can run the State of Illinois or if the Church can complain. If the Church cannot complain, we will move to Australia in a body as we moved from England when they put Charles I on the block for violating the constitution. If we cannot stop the violation of the constitution here, we will move there and have a new constitution.

Q. So they moved to Canada?

A. No, they did not want to move out of this country. They prefer to stay here to protect it.

Q. So they moved the records?

A. They moved the records.

Q. So that the State's Attorney could not get hold of them?

A. They are not afraid of the State's Attorney or the Attorney General, or anybody else, because there [fol. 136] is nothing illegal. I will [tell] you now neither the State's Attorney or the Attorney General has power to look into any affairs of the Church in this at all, neither has Congress, neither has the courts.

Q. Well, in spite of that you had the records of the Church moved to Canada?

A. Yes, sir.

Q. Because you were afraid that Kirkland would steal the records?

A. Kirkland told me he would fix the courts.

Q. Did he tell you he would steal the records of the Church?

A. He told me he would fix every court in Illinois in which I had any litigation. He told me that Ellis——

Q. He must have been going——

A. Yes I think he must have been haywire. He told me if the courts are that kind, the Puritans won't know about it.

Q. Well, the courts are right now, as I understand it, trying to find out about the Puritans.

A. It is, if there is any legal way. The Puritans have nothing to hide, but they won't permit you to do it illegally. They will stand on the law and the constitution, and if anybody has got a right to, the Puritan Church's records are open.

• • • •

I have got proof three judges have violated the constitution. If you want the proof, I will bring it to you. They should be hanged for that."

Said Parker further testified:

"The church is going to run me for a judge for the Circuit Court in order to get before the people the stories we want to tell about [Judge] and [Judge]. That is the reason I am being run.

Q. The church don't want you to be judge, they want to get the publicity?

A. They want to get the publicity against [Judge] and [Judge], and they want me to run for Circuit Court judge, and I am having the petitions printed in order to get the publicity against them.

• • • •

[fol. 137] Q. How do you happen to know all the facts?

A. Because I know all the facts of the church.

Q. Because you are the church?

A. I know all the facts of the church because I am a very interested worker in the church right now. When I am in anything, I always am very careful to know all of the details."

(13) On January 2, 1945, this defendant made a motion in writing supported by affidavit (under Rule 17, subparagraphs 8 and 9 of the Rules of the Supreme Court of Illinois) for an order directing said Parker to show cause why he should not produce for inspection, or to be copied or photographed, the documents described in said written motion; and for an order directing said Parker to state

by affidavit whether any of the documents described in said motion were then or had at any time been in his possession or power, and if not then in his possession or power, when he parted with the same and what had become thereof. The documents described in said motion included all records of said so-called "Puritan Church", and said so-called "Brotherhood of The Ancient Order of St. John," including memoranda, writings, minute books, written resolutions etc., between January 1, 1940, up to and including the present time, and particularly those records of said so-called "Puritan Church" and said so-called "Brotherhood of The Ancient Order of St. John" showing or reflecting all activities of said purported bodies and members thereof in conection with the financing, carrying out, or threatening to or pretending to carry out the activities of the so-called "Puritan Church Committee to Aid in Driving the Hoodlums, the Assassins and the Blackmailers out of the [fol. 138] Control of Labor Unions, out of the Control of the Legal Profession, out of the Control of Journalism, and out of the Control of Politics."

Said Parker resisted said motion and the following transpired in open court:

"Mr. Parker: Your Honor, there is not a single request there that is pertinent to the issue. He wants the records of the Puritan Church. I told Your Honor they are in Canada.

Mr. Martineau: We want that set up by affidavit under Rule 17. This man is very slippery.

Mr. Parker: Your Honor, there is no power in the court to ask for these things. They are records of the church. I have nothing to do with them.

Mr. Martineau: Your Honor, Mr. Parker has said many times that he can get these records here. I am prepared to show all this. I am proceeding under Section 17, sub-sections 8 and 9. If he wants to state what he has just said under oath in an affidavit, that is his privilege, but we do have a right to have him make that formal statement under oath. Rule 17, Sub-sections 8 and 9.

• • • •

Mr. Parker: But the rule of the Supreme Court is about matters relative to the issue. They are not relative to the issue.

The Court: They are relevant to the issue or may be.

Mr. Parker: Your Honor, I suppose I have no objection to your entering the order, if you want to do it.

The Court: Now, fine, we are agreed upon one thing, at least.

Mr. Martineau: How many days do you want, Mr. Parker, to answer?

Mr. Parker: What day is it you say we are coming back here for trial? What day is it?

Mr. Martineau: I think His Honor said——

The Court: I said Monday before this matter was discussed.

[fol. 139] Mr. Martineau: How many days would you want?

Mr. Parker: Well——

The Court: If they are to be in here Monday——

Mr. Parker: They are not coming back, Your Honor. There is no worry about that. I can answer that thing. I should say, give me until Friday, and I will have a nice answer, one that the town will be glad to have on record."

Thereupon an order was entered on January 2, 1945, requiring said Parker, within five days from the date thereof, to show cause and to file the affidavit requested by said motion.

(14) On January 4, 1945, said Parker filed in the office of the Clerk of the Circuit Court of Cook County an affidavit in which he swore inter alia that in November, 1944, he had destroyed all originals, duplicate originals and copies of all letters, telegrams, writings, memoranda, etc., passing between Conrad Miner, Charles Norris and himself, said Parker; and that he had also destroyed in November, 1944, all minute books, written resolutions, by-laws, trust deeds, contracts, books of account, invoices, receipted bills, cancelled checks, check stubs, bank statements and correspondence of and concerning said so-called "Puritan Church" and said so-called "Brotherhood of The Ancient Order of St. John," except for four pretended documents (three of them scurrilous, defamatory and contemptuous) which said Parker attached as exhibits to said affidavit and filed in direct contempt of this honorable court.

(15) Said Parker has stated under oath that said so-called "Puritan Church" and said "Brotherhood of The Ancient Order of St. John" have made plans to hang and [fol. 140] murder numerous citizens and public officials, including the Governor of Illinois, several judges of the Supreme Court of Illinois, the Appellate Court of Illinois, and the Circuit and Superior Courts. Said Parker, in his deposition heretofore taken, identified letters he had written threatening to commit the above-mentioned murders, which letters he had signed "Puritan Church—by Harrison Parker." It was therefore alleged by and on behalf of this defendant in the divers petitions (filed to procure subpoenas) that said so-called "Puritan Church" was either in conspiracy with said Parker to commit extortion by threatening to commit the above-mentioned murders, or else was merely a sham devised by said Parker in an attempt to surround his attempted extortion and blackmail with an odor of sanctity.

Said Parker, in resisting said petitions, and all other attempts to ascertain by deposition and in open court the identity and whereabouts of the persons he pretended composed said so-called "Puritan Church" and said so-called "Brotherhood of The Ancient Order of St. John," stated under oath, both in the taking of his own and other depositions, and also in open court, on numerous occasions, that said so-called "Puritan Church", and said so-called "Brotherhood of The Ancient Order of St. John" had three "trustees," one Conrad Miner, one Charles Norris, and one Homer Race, but that he did not know the whereabouts or residence of any of these three supposed "trustees."

Defendant was and is still seeking to procure the testimony of said three supposed "trustees," Miner, Norris and [fol. 141] Race, for the purpose of showing either that said so-called "Puritan Church" and said so-called "Brotherhood of The Ancient Order of St. John" were either in conspiracy with said Parker to commit the crime of extortion by threatening to commit the above described murders, or else were merely shams and fraudulent devices designed by said Parker in an attempt to surround his attempted extortion and blackmailing with an odor of sanctity.

In the affidavit of said Parker, filed on January 4, 1945, he now swears that in November, 1944, (while the inquiry

into the whereabouts of said three supposed "trustees," Miner, Norris and Race, was pending in court) he, said Parker, destroyed all correspondence between himself and said Miner, Norris and Race. It further appears that if said correspondence had been produced by said Parker, and not destroyed by him, it would have been possible for this defendant to have discovered therefrom the present whereabouts of said Miner, Norris and Race, and to have procured their testimony in order to prove the activities of said Parker and the so-called "Puritan Church" and the so-called "Brotherhood of The Ancient Order of St. John" in the commission of attempted extortion and blackmail by means of threats to hang and murder the citizens and public officials mentioned above, or else that said pretended "religious" bodies were merely shams devised by said Parker for the purpose of attempted blackmail and extortion with an odor of sanctity. Wherefore it appears that by destroying said correspondence said Parker knowingly destroyed material evidence in this cause.

[fol. 142] (16) As stated above in Paragraph 13 hereof, among the documents which said Parker was directed by said order of January 2, 1945, to show cause why he should not produce to be copied and photographed were the following: The records and correspondence of and concerning said pretended "Puritan Church Committee to Aid in Driving the Hoodlums, the Assassins and the Blackmailers out of the Control of Labor Unions, out of the Control of the Legal Profession, out of the Control of Journalism, and out of the Control of Politics—Conrad Miner, Charles Norris, Harrison Parker, Chairman;" and said order of January 2, 1945, also directed said Parker to state by affidavit whether any of said above described documents were ever in his possession or control and if so when he parted with the same and what has become thereof.

In his said affidavit of January 4, 1945, said Parker swears, "This affiant never heard of, nor has he ever had any connection with such an organization."

In contradiction to said affidavit said Parker, during the taking of his deposition in this cause before E. E. Wenger, notary public, on January 19, 1944, produced voluntarily and insisted upon reading into the record a purported copy of a scurrilous communication dated December 18, 1943, sent by him to Honorable Dwight P. Green, Governor of

Illinois. Said document was marked "Defendant's Exhibit 53" in said deposition. Said scurrilous communication is on the letterhead of said "Puritan Church" and contains on its left-hand upper corner the legend "Puritan Church. [fol. 143] Committee to Aid in Driving the Hoodlums, the Assassins and the Blackmailers out of the Control of Labor Unions, out of the Control of the Legal Profession, out of the Control of Journalism, and out of the Control of Politics —Conrad Miner, Charles Norris, Harrison Parker, Chairman," and it is signed "Puritan Church—by Harrison Parker, Chairman of its Committee;" and said Parker swore, during the taking of his said deposition:

> "I personally sent Defendant's Exhibit 53 as Chairman of the Committee. The Committee is defined in the letterhead on the first page, 'Puritan Church Committee to Aid in Driving the Hoodlums, the Assassins and the Blackmailers out of the Control of Labor Unions, out of the Control of the Legal Profession, out of the Control of Journalism, and out of the Control of Politics—Conrad Miner, Charles Norris, Harrison Parker, Chairman.' That is the Committee I refer to. Now, this was sent to the Governor by registered letter and the Church has its receipt. Now, the Church is making this letter possible in the nation-wide fight it is going to make against Robert R. McCormick and Kirkland and those named before, which will start about February 1st. This will be a nation-wide campaign against those who violate the Constitution."

and said Parker then sent on to testify that Governor Green and all the public officials and citizens mentioned in said scurrilous letter, Defendant's Exhibit 53, were going to be hanged by said so-called "Puritan Church" and said so-called "Brotherhood of The Ancient Order of St. John;" and that the President of the United States, Members of Congress, Judges of the Supreme Court of the United States, or any other federal officials or judges found guilty [fol. 144] of being "a Constitution violator," "will be killed like you kill rats." Yet said Parker has sworn in said affidavit filed in this court that "this affiant has never heard of, nor has he ever had any connection with such an organization."

WHEREFORE, PETITIONER PRAYS:

(1) An order be entered directing said Parker to show cause why he should not be punished for contempt of court first, for obstructing justice by destroying the above mentioned records of said so-called "Puritan Church" and said so-called "Brotherhood of the Ancient Order of St. John" and said correspondence between said Parker and said Miner, Norris and Race while the same were being sought as evidence material to the merits of the matter in question in this cause; second, for obstructing justice by committing perjury by knowingly falsely swearing in open court on December 4, 1944, and on January 2, 1945, that all of said records were then in Canada; and third, for obstructing justice by committing perjury by knowingly falsely swearing in his said affidavit of January 4, 1945, that he had never heard of and never had any connection with the so-called "Puritan Church Committee to Aid in Driving the Hoodlums, the Assassins and the Blackmailers out of the Control of Labor Unions, out of the Control of the Legal Profession, out of the Control of Journalism, and out of the Control of Politics—Conrad Miner, Charles Norris, Harrison Parker, Chairman."

(2) PETITIONER LIKEWISE PRAYS that said Harrison Parker be ordered to answer this petition under oath [fol. 145] within a short day to be fixed by the Court.

JACOB SHAMBERG, Defendant,
By KIRKLAND, FLEMING, GREEN,
MARTIN & ELLIS,
His Attorneys.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

J. B. Martineau, Jr., being first duly sworn, on oath deposes and says that he is a partner in the firm of Kirkland, Fleming, Green, Martin & Ellis, attorneys for the defendant in the above entitled case; that he is duly authorized to make this affidavit in this behalf; that he has read the above and foregoing petition and that the same is true in substance and in fact to the best of affiant's knowledge, information and belief.

J. B. MARTINEAU.

Subscribed and sworn to before me, a notary public, this 15th day of January, A. D. 1945.

Robert Plante.

MOTION TO DISMISS—FILED JAN. 15, 1945.

Now comes the defendant Jacob Shamberg, by Kirkland, Fleming, Green, Martin & Ellis, his attorneys, and moves the Court to dismiss the action herein at plaintiff's costs upon the following grounds:

1. This defendant represents that upon the 3rd day of January, 1944, an order was entered on motion of this defendant requiring said Parker to appear before E. E. Wenger, Notary Public, and give his deposition for discovery; the taking of the deposition of said Parker commenced on [fol. 146] January 17, 1944, and continued from day to day thereafter; during the taking of said deposition said Parker refused to answer certain questions which are set forth in the petition of E. E. Wenger heretofore filed herein on the 3rd day of February, 1944.

2. This defendant further represents that during the hearing in open court on February 28, 1944, upon said petition the following occurred:

"Mr. Martineau: We claim we have a right to go into that to show Mr. Parker is in conspiracy with the church. He has said the Puritan Church is going to hang McCormick and Kirkland, the implication being unless there is a payoff——

"Mr. Parker: No, there is nothing of that kind. Bring it in here, and if there is, I will dismiss this lawsuit.

"Mr. Martineau: Unless there is a payoff, the Puritain Church is going to hang——

"Mr. Parker: If you bring in such a letter I will dismiss this lawsuit. I will give my promise to the court right here.

"Mr. Martineau: Keep quiet a minute. He testified that if Mr. McCormick would pay the damage he suffered in 1932 when the Tribune printed the so-called libel against him, which incidentally the jury found was true, Mr. Parker testified in this deposition that if McCormick and the Tribune Company would pay those damages he claims he suffered, he would go to California and shut up and keep still and not write any more letters or send out any more pamphlets suggesting or threatening the hanging of Colonel McCormick or the Kirkland law firm.

"Mr. Parker: If you will produce that I will dismiss the lawsuit.

"Mr. Martineau: I will produce it.

"Mr. Parker: Produce it. Remember you have that offer."

* * * * * * *

[fol. 147]. "The Court: Go ahead with your proof.

"Mr. Martineau: Shall I go ahead?

"The Court: Yes.

"Mr. Martineau: This question was asked him:

'Q. Let us agree on the definition of blackmail. How do you define blackmail?

'A. As I understand blackmail is where you use some wrong means to collect some money.

'Or to get somebody to do something they do not otherwise have to do?

'Yes, that is my understanding of it. When Howard Ellis said to me, "You dismiss this libel suit against the Tribune or the Tribune will get rough with you," that is what I call blackmail. You will never find me dealing in any blackmail. I had a libel damage and I went after it in every way. My opinion is McCormick has violated the laws and corrupted the courts of this state, and that he should be shot.

'If he paid up you would stop saying that, and you would be friendly?

'No, I have always said that.

'Let us be fair. Let us be intellectually fair with each other. If McCormick would pay you what you claim you suffered in the libel suit, you would stop saying he ought to be shot, wouldn't you?

'I think I would.'

"Mr. Parker: Yes, I said I think I would. In other words, if I have a disagreement with you and you come over to me and shake my hand, and I take your hand, and I abuse you again, I am a dirty crook. I say that if McCormick would in any way—I have said in the record if he would send a carnation that he has wronged me and my family, this fight is over. Why should I fight him?

"Mr. Martineau: Shall I go on, your Honor?

"Mr. Parker: Go ahead.

"Mr. Martineau: 'I think I would.

'Or hanged?

'I think I would.

'And you would feel friendly towards him?

[fol. 148] 'In other words, I would not hurt McCormick under any circumstances. If he hadn't hurt me I would never hurt him.'

"Mr. Parker: That is right.

"Mr. Martineau: 'Now, if McCormick decided to right the wrong he has done to me and my family, I don't see why I should ever pursue him any more. I don't see why I should continue with the tax matter.

'Not in any way?

'Not in any way. Why should I pursue against him?

'You would go back to California and join your wife?

'The tax matter is out of my hands.

'In other words, if that was done, you would go back to California and join Mrs. Parker and sit on your porch and read books all the rest of the time that God would allot to you?'

"I was not being poetical, your Honor. That was a quotation from one of Mr. Parker's letters.

'If McCormick would ever right the wrong he has done, I would have no fight with him. There would be no difficulty between me and him.

'In other words, the war is over and you would quit warring?

'Yes. Why should I keep on fighting with a man in politics and in the newspaper business? I am a private citizen. Why should I keep fighting him if he pays for the wrong he has done me?

'Now, you claim you still have a claim for the damages you claim was done to you in the libel suit?

'There is not enough money to pay for the damage that was caused by the libel. Now, as I see it, in justice to my family, I had to go through—I had to take either of two routes, either sue him or kill him, either one. I chose to sue him because that is the peaceful way. He promptly had his lawyers fix the

jury and the judge and said they would not give me a cent.

[fol. 149] 'Let us save that for the final argument. Give me your theory.

'Now, I say that damage has been done. If Colonel McCormick should ever decide to right the wrong which he has done me——

'How could he do that according to your theory?

'I don't know.

'Well, if he paid for the damage you claim you have suffered, would that be "righting the wrong"?

'I am not going to answer that.

'Do you mean you refuse?

'No; I don't refuse. The damage has been done now. I was put in jail. My name was ruined forever.

'It had been ruined a long time before that?

'No, it had not. I had never been in jail. A lot of people had libeled me, but I had never been in jail until Colonel McCormick put me there.'

"And so forth. It goes on into something else. But I say I accepted Mr. Parker's offer.

"Mr. Parker: No, you did not. Read what I said.

"Mr. Martineau: Have him dismiss this lawsuit.

"Mr. Parker: Have him read what I said.

"The Court: All right, read the record.

"Mr. Martineau: Read the record back there what Mr. Parker said and what I said.

"The Court: Let us read the record.

"(Record read by reporter.)

"The Court: What about this last statement?

"Mr. Parker: I have definitely said that money would not pay the damage.

"Mr. Martineau: Let me read it again:

"Q. If McCormick would pay you what you claim you suffered in the libel suit, you would stop saying he ought to be shot, wouldn't you?

'A. I think I would.

'Q. Or hanged?

'A. I think I would.'

[fol. 150] "Mr. Parker: I didn't say I would. I am a Christian, and I think I would right now. I didn't

say I would. There is no mention there about money either."

This defendant represents that said admissions by said Parker go to the heart of this action inasmuch as they amount to an admission by said Parker that he was guilty of blackmail and that if he had so admitted—as he did—his action would be so lacking in merit as to warrant dismissal thereof by the court.

3. This defendant further represents that upon the 22nd day of March this defendant filed his petition for leave to take the deposition of certain persons; said petition contained among others the following averments:

1—Parker has admitted in his deposition that one Catherine Whalen has been employed by said Church to write certain pamphlets and other writings which are distributed by said Church.

2—Parker has admitted in his deposition that the contributions received by the Church were to be used to carry on its campaign to shoot or hang all alleged constitutional violators.

3—In a deposition said Parker has identified over 1100 letters and pamphlets written, mailed and published to various persons, firms, and corporations containing threats to expose the alleged shortcomings and threats to kill and harm a large number of persons, firms, and corporations, including numerous judges and public officials whom Parker has listed as constitutional violators.

4—In a deposition "heretofore taken it was discovered that one J. L. Stewart, one M. S. Johnson and one C. C. Waterbury had been represented as trustees of said Puritan Church."

At a hearing in open court upon said last mentioned petition the following occurred:

[fol. 151] "Mr. Bates: * * * You are making a nice offer.

"Mr. Parker: Yes, I make it in good faith; any one of them, I make in good faith. Your petition is no good because of these misstatements.

"The Court: Do you mean to tell me if he proves any of these statements you will dismiss the law suit?

"Mr. Parker: Yes."

5. This defendant further represents that during the taking of his said deposition said Parker testified as follows:

"A. That is literature that is sent our gratuitously, sent by the church.

Q. That is some of the lessons?

A. Yes, sir, gratuitously, sent by the church.

Q. You had something to do with preparing that material?

A. For the most part it was prepared by my grandsire, Major Parker, and from the records of the church. It is an old church, and I have turned over all those records to the church.

Q. Doesn't a lady named Miss Whalen have something to do with this?

A. No.

Q. Didn't she write some of it?

A. No.

Q. You have had some dealings with her?

A. No, the church asked me to find out somebody in Chicago who could edit.

Q. Write the memoirs of Major Parker?

A. No, not the memoirs, I mean articles of everything the church had.

Q. The church archives?

A. Yes.

Q. They were in Major Parker's possession, and they descended to you?

A. Yes.

Q. Or to your father and then down?

A. Yes. So I did not know of anybody who I thought could edit that, so I went to a man named Lennington.

Q. Lennington.

A. Yes.

Q. In Chicago?

A. Yes.

[fol. 152] Q. Where does he live?

A. I don't know. I know him as an efficient person, and I asked him if he knew of any person who could edit that material. He said that he did not, but he said, 'Mr. Parker, here is an advertisement in the Sunday Tribune. There are several advertisements in there of people who do that work for money.'

So he gave me—he turned right to the Sunday Tribune, and I cut out the list and the first one happened to be Miss Whalen.

Q. Is her name Catherine Whalen?

A. Catherine Whalen. So I went over to see Miss Whalen and I asked her if she had a person in her employ who could edit this material which would be sent to her. She looked it over and she said she had a man who could do it beautifully, an Oxford graduate, an Englishman who could do it very well. So she brought the Englishman in touch with me, and I saw he was a man seventy odd years old, of mature judgment and so forth, and I told Miss whalen I thought he could edit this, and she took the contract and edited it. I think they cost, if I recall, $125 apiece to edit them. That was all there was to it.

Q. Who paid it?

A. The church.

Q. Through you?

A. No.

Q. Were you present when she was paid?

A. No.

* * * * * * *

"She hired another man to edit the articles."

6. This defendant further represents that during the taking of his said deposition said Parker testified as follows:

Q. I notice here that the church says it is going to use the funds which it is going to get by contribution to compel the Tribune by court proceedings to disgorge the money it has stolen from Cook County, to compel the Illinois Legislature to impeach Circuit Court Judges Harry M. Fischer and Joseph Burke, and Justices Wilson, Stone and Gunn of the Supreme Court of Illinois for the crooked opinions they have [fol. 153] written in Tribune litigation and it is going to compel a new constitution for Illinois and is going to compel the retirement of Robert R. McCormick, Ed Kelley and the Kelly-Nash machine. Is it going to do that?

A. Yes, sir, it is working on it now.

Q. But it has not done it yet?

A. No, it is working on it now.

* * * * * * *

A. Governor Green never answered the letter and the Puritan Church are delighted that he never answered.

Q. I suppose he will be on the list that should be shot or hanged?

A. They hope Governor Green comes out for president.

Q. They are not going to hang him?

A. He has not violated—yes he has violated the constitution. The list was made up in August and I suppose the next time they meet they will take him on.

Q. They will put him on the list of people to be shot or hanged?

A. Yes. All constitution violators are to be pursued by the Puritan Church and the Order of St. John until the finish. This is a finish fight.

Q. Preferably at the end of a rope?

A. Yes, sir, they are advocating the end of the rope for any man who violates the constitution in order to increase his private fortune."

7. With regard to Item 3 described in paragraph 3 hereinabove, this defendant represents that during the taking of said deposition said Parker identified over 1100 letters and documents signed by him either in his own behalf or as a supposed dignitary of the so-called "Puritan Church," most of which documents will upon inspection thereof prove the representations made in said petition hereinabove described in paragraph 3 hereof.

[fol. 154] 8. With regard to Item 4 of said petition described in paragraph 3 hereof, this defendant represents that he caused to be taken the deposition of one T. F. Thorne, an officer of the Mercantile National Bank, at which a bank account of said so-called "Puritan Church" was maintained. During the taking of said deposition of said T. F. Thorne, there was produced by said T. F. Thorne by subpoena duces tecum a certain document made a part hereof and marked Exhibit A, which document shows that said Jessie L. Stewart, M. S. Johnson and C. C. Waterbury were represented by one A. Richardson, claimed by

said Parker to be the "chancellor" of said so-called "Puritan Church," to be trustees of said so-called "Puritan Church."

This defendant represents to the Court that the offers of said Parker to dismiss this action if any one of said averments were true is tantamount to an admission by him that if any one of said averments were true then by the same token this action is so entirely lacking in merit that it should be dismissed.

Wherefore, this defendant prays that said action be dismissed at plaintiff's costs.

JACOB SHAMBERG,
By KIRKLAND, FLEMING, GREEN,
MARTIN & ELLIS,
His Attorneys.

[fol. 155] STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

Bennitt E. Bates, being first duly sworn, on oath deposes and says that he is associated with the firm of Kirkland, Fleming, Green, Martin & Ellis, attorneys for the defendant in the above entitled cause; that he is duly authorized to make this affidavit in this behalf; that he was present at the hearings hereinabove mentioned and that the statements contained in the above motion are true and correct of affiant's own knowledge.

Further affiant saith not.

Bennitt E. Bates.

Subscribed and sworn to before me this 25th day of August, A. D. 1944.

Eleanor Hathaway,
(Seal) *Notary Public.*

[fol. 156] EXHIBIT A TO ABOVE MENTIONED PETITION.

RESOLUTION OF BOARD OF DIRECTORS

I, A. Richardson, do hereby certify that I am the duly elected and qualified Chancellor of the congregation of the Puritan Church, a corporation organized and existing under the laws of Illinois, and the keeper of its records and corporate seal, and that the following is a true and correct copy of certain resolutions adopted at a meeting of the Board of Directors thereof, a quorum being present, convened and held in accordance with law and the by-laws of said corporation on the 15th day of July, 1943, and that the said resolutions have not been rescinded or modified:

Be it Resolved, that the Mercantile National Bank of Chicago, be and hereby is designated a depositary in which the funds of this Corporation may be deposited by its officers, agents, and employees, and that any two of the following officers or employees of this corporation M. S. Johnson, Trustee; J. L. Stewart, Trustee; C. C. Waterbury, Trustee; L. H. Holland are authorized to draw and sign any and all checks, drafts, and orders against said account and to endorse for deposit or negotiation all negotiable instruments and orders for the payment of money, which endorsements may be made in writing or by a stamp and without designation of the person so making it.

And Be it Further Resolved, that said Mercantile National Bank of Chicago, be and is hereby authorized and directed to honor and pay any and all checks, drafts, and orders so signed and drawn, whether such checks be payable to the order of any officer or person signing them, or any of said officers or persons in their individual capacities or not, and whether they are deposited to the individual credit of the officer or person signing them or to the individual credit of any of the other officers or persons or not.

And Be it Further Resolved, that any two of the officers or employees of this Corporation, M. S. Johnson, Trus-
[fol. 157] tee; J. L. Stewart, Trustee; C. C. Waterbury, Trustee, L. H. Holland are authorized to borrow from time to time on behalf of this Corporation from the said Bank

such sums of money for such times and upon such terms as may to them, or any of them, seem advisable, and to execute in the name of the Corporation, notes, drafts, or agreements for the repayment of any sums so borrowed, and they and each of them are hereby authorized to discount with the said Bank, any of the notes, bills receivable or acceptances held by this Corporation upon such terms as they may deem advisable, and to pledge or hypothecate as security to said Bank, any of the notes, bonds, stocks, bills receivable, warehouse receipts and/or other documents, accounts, securities and/or property of the Corporation, and to execute and deliver any and all endorsements and instruments of assignment or transfer which may be necessary or proper in such cases, effectually to transfer to the said Bank the property so hypothecated or delivered.

Be it Further Resolved, that each of the foregoing resolutions shall continue in force until express written notice of its rescission or modification has been received by the said Bank, but if the authority contained in them should be revoked or terminated by operation of law without such notice, it is resolved and hereby agreed for the purpose of inducing the said Bank to act thereunder, that the said Bank shall be saved harmless from any loss suffered, or liability incurred by it in so acting after such revocation or termination without such notice.

I Further Certify that the following named persons are the officers of said Corporation, duly qualified and acting as such:

Trustee M. S. Johnson
Trustee J. L. Stewart
Trustee C. C. Waterbury

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of said Corporation, this 2nd. day of August, 1943.

(Signed) A. Richardson

[fol. 158] On January 22, 1945, Parker filed an answer to the rule to show cause. Said answer is set forth as Exhibit A to the order of January 23 [infra, p. 162].

On January 23rd the following order was entered [Second Contempt Matter]:

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

IN THE CIRCUIT COURT OF COOK COUNTY.

Harrison Parker, *Plaintiff.*	
vs.	No. 43 C 13381
Jacob Shamberg, *Defendant.*	
People of the State of Illinois,	
vs.	
Harrison Parker.	

ORDER.

THIS CAUSE COMING ON TO BE HEARD upon the sworn petition of the defendant, Jacob Shamberg, filed by leave of court on January 15, 1945, while the cause of "Harrison Parker, Plaintiff, *vs.* Jacob Shamberg, Defendant, No. 43C13381" was still pending before this court, for an order requiring said Parker to show cause why he should not be punished for crimnal contempt of court by reason of the matters and things in said petition alleged, and upon Harrison Parker's answer thereto filed on January 22, 1945;

THE COURT FINDS:

(1) The Court has jurisdiction of the parties and of the subject matter hereof;

[fol. 159] (2) That on January 15, 1945, a sworn petition was filed on behalf of the defendant, Jacob Shamberg, in the case of "Harrison Parker, Plaintiff, *vs.* Jacob Shamberg, Defendant, No. 43C13381", which sworn petition charged said Harrison Parker with criminal contempt of court by reason of the matters and things therein alleged;

(3) That on January 15, 1945, an order was entered by this Court, requiring the said Harrison Parker to show cause by Friday, January 19, 1945 why he should not be punished for criminal contempt of court by reason of the matters and things set forth in said petition filed on behalf of said Jacob Shamberg;

(4) That on Thursday, January 18, 1945, an order was entered on the motion of said Parker extending the time within which he was to file his answer to said rule to show

cause up to and including ten o'clock A. M., Monday, January 22, 1945;

(5) That on Monday, January 22, 1945, said Parker filed in the office of the Clerk of the Circuit Court of Cook County his "Answer to Petition for Rule to Show Cause", a true and photostatic copy of which Answer is attached hereto, incorporated herein, made a part hereof, and marked "Exhibit A" hereto;

(6) That said "Answer to Petition for Rule to Show Cause", so filed by said Harrison Parker on January 22, 1945, which answer is attached hereto, incorporated herein, made a part hereof, and marked "Exhibit A" hereto, does not purge said Parker of the criminal contempt charged in said sworn petition filed on behalf of said Shamberg on January 15, 1945;

[fol. 160] (7) That in said "Answer to Petition for Rule to Show Cause", so filed by said Parker on January 22, 1945, said Parker has affirmatively set forth scurrilous, scandalous, defamatory, immaterial matter, which constitutes an obstruction of justice and an abuse of the processes of this court, and which conduct of said Harrison Parker took place while this court was in open session and tended to lessen the dignity and authority of this court;

(8) THE COURT FURTHER FINDS that said Harrison Parker, who is now here present in open court, is, by reason of said conduct, guilty of direct criminal contempt of this court;

WHEREFORE, THE PREMISES CONSIDERED:

IT IS ORDERED AND ADJUDGED that said "Answer to Petition for Rule to Show Cause", heretofore filed by said Parker in the office of the Clerk of this court on January 22, 1945, which is attached hereto, incorporated herein, made a part hereof, and marked "Exhibit A" hereto, be, and the same is hereby, attached hereto, incorporated herein, made a part hereof, and marked "Exhibit A" hereto, with the same force and effect as if the same were set forth in full in the body of this order; and

IT IS FURTHER ORDERED AND ADJUDGED that said Rule to Show Cause, heretofore issued by this court on January 15, 1945, requiring Harrison Parker to show cause why he should not be punished for contempt of court by

reason of having committed the acts set forth in said petition heretofore filed on behalf of said Jacob Shamberg on January 14, 1945, in the case entitled "Harrison Parker, Plaintiff, *vs.* Jacob Shamberg, Defendant, No. [fol. 161] 43CI3381", be, and the same is hereby, made absolute; and

IT IS FURTHER ORDERED AND ADJUDGED that said Harrison Parker was and is hereby adjudicated guilty of and in direct criminal contempt of this court by reason of his having affirmatively set forth scurrilous, scandalous, defamatory and immaterial matters set forth by him in said "Answer to Petition for Rule to Show Cause", heretofore filed by said Harrison Parker in the office of the Clerk of this Court on January 22, 1945; and

IT IS FURTHER ORDERED AND ADJUDGED that said Harrison Parker stand committed to and be confined in the County Jail in said County of Cook and State of Illinois for ninety (90) days; and

THE COURT FURTHER ORDERS AND ADJUDGES that a warrant of commitment do now issue in due form for the arrest forthwith of said Harrison Parker, directed to the Sheriff of Cook County, in the State of Illinois, and that when arrested by said Sheriff said Harrison Parker be committed to said jail and that he be there held for ninety days (90) or until he shall be otherwise discharged from said imprisonment by due process of law.

ENTER:

DANIEL P. TRUDE,
Judge.

Done this 23d day of January, 1945.

[fol. 162] Exhibit A to Last Mentioned Order

State of Illinois, } ss.
County of Cook, }

In the Circuit Court of Cook County

Harrison Parker }
vs. } No. 43 C 13381
Jacob Shamberg }

Answer to Petition for Rule to Show Cause.

The respondent, Harrison Parker, pro se, herein referred to as respondent, answering the petition of the defendant, Jacob Shamberg, herein referred to as petitioner, for rule to show cause, says:

1. That said E. E. Wenger, a notary public, did issue his subpoenas to said Elmer Benton and said Dr. Richardson commanding them to appear in the office of Kirkland, Fleming, Green, Martin & Ellis, attorneys representing the defendant herein, now the petitioner, to appear on said date, and to bring with them certain papers and documents therein described; that this respondent appeared before said Wenger and then and there gave certain reasons for their not appearing at said time and place;

2. That on February 23, 1944, this respondent did file a petition before this Court, setting forth that said subpoena for the purpose and reasons on which it was issued was illegal and in contravention of the rights of this respondent, said Benton and said Dr. Richardson and of said Puritan Church.

3. That on February 28, 1944, said Benton and said Dr. Richardson appeared before said notary but refused to answer certain questions put to them, as being illegal and improper and in contravention of certain rights guar- [fol. 163] anteed to them and all of them as well as to the Puritan Church by the Constitution of the United States; that thereafter, despite their statements made to and before said Wenger, said petitioner and his counsel continued to proceed in their illegal, improper and unconstitutional line of questioning, which culminated when the question was asked if she had any papers of the Puritan Church and she answered, "Never." See petition, paragraph 3, page 4.

4. That this respondent did, on March 1, 1944, file a second sworn petition setting forth his objections to the illegal, improper and unconstitutional "fishing expedition" on which the defendant, now the petitioner herein, was embarked, and requesting the Court that the defendant and his attorneys be restrained from proceeding to take any depositions from said Benton or said Dr. Richardson, having to do with, or pertaining to, the said Puritan Church, or the Brotherhood of the Ancient Order of St. John, among other matters in said petition stated; therein this respondent further pointed out that none of said parties were or had ever been, nor could they ever properly be, parties to this litigation, or could they ever be called upon to testify as the petitioner and his attorneys were attempting to force them to do.

5. On March 2, 1944, in a hearing before the Honorable Cornelius J. Harrington, Judge of this Circuit Court of Cook County, this respondent said, "I think they are both in St. Louis at the present time", meaning that he thought but did not state the fact to be that the records of said [fol. 164] Puritan Church, and/or of the Brotherhood of the Ancient Order of St. John were in St. Louis.

6. Again on March 22, 1944, the petitioner and his counsel filed another petition before the Court setting forth the refusal of said Dr. Richardson and said Benton to answer the questions asked of them in the taking of certain depositions; that in said subpoenas which had been issued to them, said Dr. Richardson was required to bring in her books and records of the said Puritan Church and the Brotherhood of the Ancient Order of St. John, despite the fact that on February 22, 1944, she had testified under oath that she never in her life had in her possession any of the papers of the said Puritan Church; that it is apparent that it was illegal, wrong and improper of this petitioner to attempt to obtain any order upon said Dr. Richardson to force her to answer again, or to be asked again, any questions with regard to her possession of any books and records of the Puritan Church when she had answered approximately a month before under oath that she had never in her life had any.

7. On March 22, 1944, said petitioner and his counsel again improperly, illegally and despite the provisions of the Constitution of the United States contrary thereto,

filed another petition setting forth under oath that the records of said Puritan Church were material in this cause, and that he and/or they were informed and therefore believed that (a) this respondent had formed the Puritan Church as a means to carry on an extortion, yet, in fact, no extortion has ever existed and therefore could never be proved, nor has it been proved, but existed only in the [fol. 165] mind of the person making the affidavit on said petition; and (b) said petition misrepresented what this respondent had said and falsified the words and meaning of this respondent; and (c) reciting that this respondent had testified that any church has certain constitutional and lawful guarantees which will permit it to perform certain functions; and (d) that this respondent testified that said Puritan Church was a legal entity; and (e) that respondent had produced letters from people who have contributed to said church but said respondent never did testify, as said petition recited, that anyone ever "purchased so-called religion from" said church, and (f) said petition recited that said church had received numerous contributions from various persons, yet, in fact, said petitioner had overlooked the fact that innumerable churches, since the beginning of time, have been supported by contributions of believers, and (g) stating further that this respondent has identified over 1100 letters and pamphlets which contain threats to expose the alleged shortcomings and threats to kill and harm a large number of persons, firms and corporations, including numerous judges and public officials, yet, this respondent denies that he has ever made a threat to kill anyone, but that he has properly, for a long period of time, exposed the shortcomings of a large number of persons, firms and corporations, including numerous judges and public officials who, upon their records, should receive publicity for all of their misdemeanors and evil doings for the reason that they, as well as any and all other persons, should pay the penalty of their misdeeds, in order that orderly government shall exist in the United [fol. 166] States of America; and (h) that in a deposition this respondent stated that the Puritan Church is going to try to hang two judges of the Circuit Court and one judge of the Appellate Court because of their misdeeds, yet said petitioner forgets that such is frequently the penalty that such conduct as theirs has often received; that said petition concluded that this was sufficient ground for him to

state, under oath, that said "Puritan Church is either in conspiracy with" this respondent, or "is merely a sham designed by" this respondent "in an attempt to surround his attempted extortions with an odor of sanctity; that the books and records of the 'church' will tend to prove the allegation in the answer that said Parker is a blackmailer"; yet, there have not been a scintilla of evidence introduced, upon which such assertions could be predicated, nor which could be relied upon to prove even the possibility, on the record, that this respondent or said church had engaged in either a conspiracy, or that said church was engaged with this respondent in any enterprise that could *be* properly, honestly or decently, determine this respondent to be a blackmailer in any sense; for by the mere assertion under oath that this respondent or that said church were engaged in any conspiracy or any extortion or any blackmailing, said petition merely begged the question, and gave no more substance to an assertion of such calibre than it had had before, to-wit: an existence only in the mind of said petitioner and or his counsel who had the reckless temerity to foist a document containing all of such upon this Court; that by said brash foolishness, said petitioner and or his counsel have committed an effront-[fol. 167] ery to each, any and every church that has ever sought the protection of the laws of the State of Illinois or of the Constitution of the United States; that based upon said allegation, said petitioner and his counsel demanded that this Honorable Court order said Dr. Richardson to give her deposition and bring with her all books and records in her possession and control of said Puritan Church, despite the fact that prior thereto, to-wit: February 28, 1944, said Dr. Richardson, under oath, had asserted that never in her life had she had in her possession or control any of the books and records there sought again by that means.

8. That on October 2, 1944, said Dr. Richardson and said Benton appeared then and there and testified as is therein set forth, if each and all of the quoted portions throughout and therein be true and correct; that she then and there again, under oath, said that she had no records of the Puritan Church; that she had none in her possession and that all she had of said Puritan Church was some literature; that under no stretch of the imagination could the words "books and records" be confused with the word

"literature", and so for the second time, said Dr. Richardson answered said questions of the possession of the books and records of the said Puritan Church and she had done so prior thereto, on to-wit: February 28, 1944; and again when she, for the third time, was required to answer this question, she refused, having twice before answered the identical question, for books and records cannot conceivably cover "letters" and "correspondence", all of which said acts and doings of said petitioner and his counsel took [fol. 168] place illegally, improperly and in contravention of the provisions of the Constitution of the United States.

9. That thereafter, on October 18, 1944, again illegally, improperly and against the provisions of the Constitution of the United States, said petitioner and his counsel prayed that a rule to show cause issue against said Dr. Richardson and said Benton "for their refusal to answer the interrogatories" hereinabove referred to, and an order was entered requiring them to file their answer thereto and setting the matter for hearing, all despite the fact that the question had been asked twice and answered twice prior thereto.

10. On November 10, 1944, said Richardson and said Benton upon the order of the Court as aforesaid, filed their answer setting forth in an ample and legal sufficiency, not only their answers, but the grounds for their refusal to answer certain questions and giving the legal and constitutional grounds therefor.

11. That on December 4, 1944, this matter did come up for hearing on the rule and answer before the Honorable Daniel P. Trude, who, at about this time, was hearing said matter in place of said Judge Cornelius J. Harrington, who had heretofore ruled against the petitioner and/or his counsel, on a similar petition seeking to inquire into the books and records and activities of said Puritan Church; that said Dr. Richardson then and there testified that she was the keeper of some records, but that of some records she knew nothing whatsoever, and this, in addition to the fact that, although she had certified in a certain [fol. 169] document that she was, as of August 2, 1943, the "duly elected and qualified Chancellor of the Congregation of the Puritan Church, a corporation organized and existing under the laws of Illinois, and the Keeper of its Records and Corporate Seals", she did not on December 4,

1944, testify that she knew of responsibilities other than those which she considered to be her own, by virtue of her said office in said church, nor did she testify that she knew of any records kept by, or in the possession of, this respondent; that in fact, she stated at that time ". . . there are so many papers, I told you, I cannot just offhand simply say 'yes' when I am not sure of myself", as appears on Line 9, Page 8, of the within petition which is a specific, honest and forthright statement from any witness; that in addition thereto, it should be pointed out that the things and conditions true on August 2, 1943 as testified by said Dr. Richardson were true on said date, but it is also true that thereafter, said things and conditions might change, yet, there is no testimony of said Dr. Richardson or of this respondent that did alter said statements and testimony of said Dr. Richardson; that thereupon, the Court requested said Dr. Richardson to check her records although she had not all, asserting, "You were the keeper of the entire records", which was not even true on August 2, 1943 when said Dr. Richardson certified that she held a certain office and that she was "The Keeper of the Records of the Puritan Church", and she had further said, on December 4, 1944, "Well, there may be records I know nothing about" and on February 28, 1944, she had testified that she had never in her life had any records of the Puritan [fol. 170] Church in her possession; that, then and there, this respondent volunteered to correct the mistaken impression under which this Honorable Court was then and there laboring, and to do so, he voluntarily testified that the records of said Puritan Church had been in Canada for some time and that the said trustees, too, were in Canada; he further testified, even though the Court said, "Tell them to order them back here again", that that was an impossibility because the trustees would not order them back to the United States whereupon the Court said, "If these records are in Canada, order them back here, and if you or Mr. Benton have any access to take records or control over them, order them back here." That thereupon this respondent informed said Court that the Court had no jurisdiction over said trustees or over said records, because of the fact that both were and had been in Canada, before the commencement of this proceeding; and that the Court was attempting to force this respondent said Dr. Richard-

son and said Benton to perform that which was impossible for them to perform.

12. That on December 4, 1944, before the said Honorable Daniel P. Trude, judge, this respondent did interrupt the testimony of said Dr. Richardson and did volunteer a statement to the Honorable Court: that he further testified that the Puritan Church, cognizant of its duty, which was to support the institutions of government and the government itself, had decided to expose corruption whenever and wherever it was found, for the reason that unless this corruption was exposed and stopped, consequences of the most serious nature would befall the United [fol. 171] States, and the citizens thereof; that he further testified that on that date, being December 4, 1944, the records of said Puritan Church were in Canada as he pointed out in the words: "These records are today in Canada, (see second paragraph, page nine of petition) and the trustees have not been served in this lawsuit"; that he went on to state, as best he could, the legal and constitutional guarantees which prevented this Court from doing that which had been set up against and had long existed, as part of the Constitution, and which prohibited this Court from doing that which it had done, and which it was doing, namely, inquiring into a church legally organized and existing under the laws of the State of Illinois; that he further pointed out, that which is apparent to anyone who reads the records, namely, that the Court had permitted and was permitting the petitioner and/or his counsel not only to go on a "fishing expedition", which has never been permitted under the law, but had permitted this "fishing expedition" in the records of a legally organized church which has long been prohibited by the Constitution of the United States; that on cross-examination, the respondent stated to the Court that all of the records and minute books of the said Puritan Church were in Canada, and had been there since 1941; that the respondent further testified that some of the records occasionally traveled outside of the State of Illinois, always under the direction and control of the trustees of said church; that the respondent did not ever admit that he had anything to do with the movements of said records or the direction of the movements of said records because, in fact, he was [fol. 172] not supreme in the church but there were others

over and above him; that the respondent further testified that said church was actively engaged in a campaign to expose and impeach certain judges for malfeasance in office in this state upon whom certain evidence which this church possesses; that the respondent further testified that at that time, being December 4, 1944, there was not a single record in Illinois of the said church and he gave as a reason therefor that the church had decided that what with the illegal power exercised by and the past illegal accomplishments of the law firm of Kirkland, Fleming, Green, Martin & Ellis, who represent the petitioner herein, that it would be much safer for the church to have the records of said church moved outside of the State, and that said records, in the opinion of said trustees of said church, would be safe in the dominion of Canada; that the respondent further testified that certain judges had violated the Constitution and that in his opinion, for that crime, they should be hanged, which crime, history divulges, has been the proper and frequent penalty paid by traitors; that this respondent wishes to point out that then and there, being December 4, 1944, he was in a strange position, legally, for the reason that on August 21, 1944, the Honorable Cornelius J. Harrington had ruled, in a similar petition filed by the petitioner herein, that this respondent need not answer any questions with regard to the said Puritan Church and the Brotherhood of the Ancient Order of St. John, nor to produce any records or papers of either of said organizations, yet after the said ruling of the said Judge Harrington, and when this matter was later heard by the Honor-[fol. 173] able Daniel P. Trude, the said petitioner and his counsel had presented a petition similar to that refused by said Judge Harrington and had obtained the permission of said Judge Trude to engage in the "fishing expedition" in which they were now engaged; that not only was the conduct of said counsel questionable and perhaps reprehensible, but in addition to that, this respondent was unable to determine legally whether he must obey by the said order of said Judge Harrington, or whether he must obey the later order of the said Judge Trude; that at the time of the drafting of this answer herein, this respondent is unable to quote the exact wording of either the ruling of said Judge Harrington, or the order of said Judge Trude, for the reason that the records of the within proceeding, he

had discovered, are now impounded and are therefore unavailable to him at this time; that this respondent further testified that in a political campaign for any office, the record of all candidates are properly before the public and that, as a citizen, this respondent maintained that it was his right to run for any office that he chose and in the campaign therefor, to acquaint the public with the truthful record of other candidates, sordid, or scandalous, as it might be, and that in the public interest, the law, of necessity, had to be so; and that respondent then and there, corrected the unwarranted, malicious and scurrilous remarks of said counsel who had then attacked a church, legally organized and existing under the laws of the State of Illinois, which is exactly that same law that protects any and all churches organized and existing in the State of Illinois, or seeking [fol. 174] protection thereunder.

13. That on January 2, 1945, the petitioner made another motion in the form of a more sweeping "fishing expedition" than any of those heretofore made, in which he asked this respondent about documents and facts with relation to the said Puritan Church and said Brotherhood of the Ancient Order of St. John, with particular reference to a certain non-existent committee which he called "the pretended 'Puritan Church Committee to aid in the driving of hoodlums, the assassins, the blackmailers, out of the control of the labor unions, out of the control of the legal profession, out of the control of journalism, and out of the control of politics' "; between the period commencing January 1, 1940 and January 2, 1945, in the face of the fact, then overlooked by said petitioner, his counsel and the said Judge Trude, that this proceeding had been commenced in the year 1943, and that on August 21, 1944, said Judge Harrington had ruled on a similar petition filed by the said petitioner and his identical counsel, to the effect that this respondent need not answer any questions, nor produce any papers relative to the said Puritan Church or the Brotherhood of the Ancient Order of St. John, by which was included the said Puritan Church Committee to aid in driving the hoodlums, etc.; that this respondent asserts, that said petitioner and/or his counsel attempted to give their reprehensible and improper conduct, in asking the order of one judge of the Circuit Court to be overruled by the order of another judge of the same said Circuit

Court, the barest semblance of legality and propriety by [fol. 175] proclaiming that they were proceeding under a certain rule: 17, Subparagraphs 8 and 9, of the Supreme Court of Illinois, but said petitioner and/or his counsel neglected to point out or give equal importance to the fact that said Judge Harrington had formerly denied their similar petition presented to achieve the same purpose; that this respondent then and there again pointed out in open court that the records sought were then in Canada and that he, personally, had nothing to do with their custody, control or movements and that he could not be held responsible or answerable as to their whereabouts at any given moment of time, and he again reminded this said Judge Trude, in open Court that said records were not relevant to the issue, as said Judge Harrington had ruled sometime ago; that, nevertheless, the respondent was ordered to make his answer thereto within five days, for he realized that irrespective of the said ruling of said Judge Harrington, and irrespective of what he considered to be his rights under the law and the Constitution, he was then and there confronted with the said order of said Judge Trude and realized that he must obey it insofar as he could; and he did comply with the said order as best he could by filing within the requisite five-day period; his affidavit and included therein as exhibits those documents which had come into his possession shortly before that time.

14. That on January 4, 1945, this respondent did file an affidavit with the Clerk of the said Circuit Court of Cook County in which he truthfully answered all of the questions [fol. 176] required of him and along with it, as a part thereof, he filed certain exhibits which had properly come into his hands shortly before, and were in his hands at the said time; that in said affidavit he did not, as this petitioner and/or his counsel charge, swear "inter alia, that in November, 1944, he had destroyed all originals, duplicate originals, and copies of all letters, telegrams, memoranda, etc., passing between Conrad Miner, Charles Norris and himself", nor did he in said affidavit swear, "that he had also destroyed in November, 1944, all minute books, written resolutions, by-laws, trust deeds, contracts, books of account, invoices, receipted bills, cancelled checks, check-stubs, bank statements and correspondence of and concern-

ing said so-called Puritan Church and said so-called Brotherhood of the Ancient Order of St. John", (see petition, Paragraph 14, page 15), except for the said four filed documents; and that he has denied and now denies that this said affidavit and the said documents were filed in any contempt of any court; that this respondent was required on the order of this Court to answer questions and make available "all originals, duplicate originals, and copies of all letters, telegrams, writings, memoranda, etc., passing between—and also all minute books, written resolutions, by-laws, trust deeds, contracts, books of account, invoices, receipted bills, cancelled checks, check-stubs, bank statements, showing or reflecting any dealings between" said entities, "during the period between January 1, 1940, up to and including the present time", and that among said persons and entities, were listed said Conrad Miner, said Charles Norris, said Homer Race, and "the pretended [fol. 177] 'Puritan Church Committee to aid in driving the hoodlums, the assassins, the blackmailers, out of the control of the labor unions, out of the control of the legal profession, out of the control of journalism, and out of the control of politics' "; that this respondent did do, insofar as was in his power, precisely what was required of him by the said order, as more fully appears from his answer heretofore filed; that he did not commit any of the acts nor make any of the statements set forth in Paragraph 14, page 15, of the petition herein filed, wherein one J. B. Martineau Jr., a partner of said firm of Kirkland, Fleming, Green, Martin & Ellis, attorneys for the petitioner in the within petition, has so knowingly and recklessly perjured himself and stated, under oath as being true in substance and in fact to the best of said Martineau's knowledge, information and belief, of said petition so sworn to by said Martineau; that, on the contrary, this respondent states the fact to be that on August 21, 1944, said Judge Harrington, a judge of this Circuit Court of Cook County and of equal jurisdiction with the said Judge Daniel P. Trude, ruled that neither this petitioner nor his counsel had any right to inquire into any affairs, matters, records or things, concerning said Puritan Church, said Brotherhood of the Ancient Order of St. John, and their committees and workings; that until the said ruling by the said Judge Harrington was properly reversed, there was no order or

motion pending in this matter, nor was there any motion or order affecting or regarding either this respondent, who was plaintiff therein, nor the said Puritan Church, nor the said Brotherhood of the Ancient Order of St. John, or [fol. 178] any of his or their books, records or correspondence; that on October 15, 1944, said Puritan Church leased from the University of Chicago additional premises in LaGrange, Illinois, and that on November 10, 1944, moved into the additional quarters; that for fifteen years past, this respondent has had no office or secretary; and all of his personal effects were in an apartment in which he lived at 4534 South Greenwood Avenue in the city of Chicago; that in the month of October, 1944, the trustees of the said Puritan Church concluded an agreement with this respondent whereby it would furnish him with a secretary and office space in and at said same place where said church was located at LaGrange, Illinois, in exchange for this respondent's devoting his entire time to the affairs of the said church and that this respondent accepted said agreement; that at said time, an express company undertook to move the personal effects of this respondent to said place in LaGrange and to charge him $18.00 apiece for each of three loads of his personal and private files; that this respondent thereupon directed said express company to move only one load at a price of $18.00 and he then and there, without knowledge of the contents and without any examination and without any sorting, destroyed the letters from his wife, his children, his personal friends and letters, without examination, from the said Messrs. Miner, Norris and Race, which had accumulated during a period of time, and which were all of a personal and private nature, having nothing whatsoever to do with, or "showing or reflecting any dealings between" as the motion required, this respondent and said Messrs. Miner, Norris and [fol. 179] Race; and that in so doing, this respondent did not violate the said motion to produce for said motion required him to produce material "showing or reflecting any dealings between" this respondent and said three individuals; that therefore, this respondent reiterates that he so complied explicity with the directions of said motion to produce for the reason that he has a knowledge of the contents of said letters and that none of them would reveal anything which said motion sought to reveal, and for the

further reason that the said petitioner and/or his counsel has and/or have no knowledge whatsoever of any of the contents of the said letters, and for the further reason that at the time of the said abandonment and destruction of his said personal, private files, there was no motion nor matter pending, involving said Puritan Church, said Brotherhood of the Ancient Order of St. John; and that said Judge Trude did not hear any of this instant matter until November 18, 1944 which date was after the said moving of the said personal effects of this respondent from Chicago to LaGrange; and that just prior to the time when he filed his said affidavit in response to the order of this Court, there came to this respondent's hands, the four copies of the said documents which, in accordance with the said order of said Court, he then and there filed, they being all that he then and there had in his possession; that this respondent denies that he, on November, 1944, destroyed any of the books, papers and documents as alleged by petitioner of the said Puritan Church or of the Brotherhood of the Ancient Order of St. John, and in his affidavit, he stated "all others were destroyed when this affiant moved [fol. 180] his office last November", for at that time, the trustees of the Puritan Church came to this city, and after examining, by themselves, without communicating with this respondent as to his opinion or wishes, destroyed all books, papers, records and documents which they deemed unnecessary to be installed in the said church at LaGrange, Illinois; and that they, the said trustees, without the help of this respondent, turned over all of said documents, papers and correspondence which they wished to discard to the janitor of said premises, there, and he then and there destroyed them; that thereafter, these trustees departed; that, thereafter, this respondent swore truthfully and correctly when he said that certain of said documents and papers were destroyed, but he has never admitted and does not now admit that he has ever destroyed or had anything to do with the said destruction of any of the papers or documents belonging to said church or to said brotherhood.

15. That this respondent, contrary to the allegations of paragraph 15 of said Petition, denies that he has ever stated, under oath, that either the Puritan Church or the Brotherhood of the Ancient Order of St. John, have made

plans to hang or murder anyone, and this respondent further denies that he has ever identified anything or stated or spoken that he has recklessly threatened to commit any crime, let alone, any murder; that this respondent denies that the petitioner had any basis on which to proceed when it "alleged" by and on behalf of this defendant in the divers petitions (filed to procure subpoenas), that said [fol. 181] so-called 'Puritan Church' was either in conspiracy with said Parker to commit extortion by threatening to commit said above-mentioned murder, or else was merely a sham devised by said Parker in an attempt to surround his attempted extortion and blackmail with an odor of sanctity"; but, on the contrary, he stated he has repeatedly maintained that all violators of the Constitution of the United States deserve the fate of hanging because of what their destruction of the Constitution means and will mean to the other citizens; that all law is down and that instead of government there is chaos; and that whatever he has been charged with having said or written, contrary to this, is an utter distortion of his meaning, purpose and intent; that therefore, said petitioner had no basis, in fact or law, for making the false statement charging this respondent or any person or entity associated with him, with threatening to commit any crime or with being in a conspiracy to commit extortion or to do anything other than the law permits; and that a conspiracy is yet to be shown, in addition to a showing of an attempt to commit extortion; that the only basis upon which such a statement had been subscribed to or alleged by this petitioner, existed in the minds of said petitioner and/or his counsel, and that by reason thereof they, if such petition was sworn to, said petitioner and his counsel or whoever swore thereto, should be held for perjury, for this respondent again points out that no one is permitted such reckless liberties with the orderly processes of the law as the petitioner and his counsel without suffering the penalty of perjury and contempt for the processes [fol. 182] of the law; that when this respondent stated on numerous occasions that he did not know the identity or whereabouts of the persons who composed either the Puritan Church or the said Brotherhood of the Ancient Order of St. John, he spoke the truth and he also spoke the truth when he stated that he did not know the whereabouts or

residence of Messrs. Miner, Norris and Race, save that they were in Montreal, Canada, and that the records of the said church were located on Red Path Road in said city, as appears on page 10 of the within petition; that this respondent points out that improperly, illegally and unconstitutionally this petitioner and his counsel have for a long time, attempted to inquire into the organization and workings of a legally organized existing church; that there is no proper precedent in law for such a maneuver as they have here, and for a long time prior hereto, been engaged upon, in pursuing this said maneuver, for they are running counter to the established law and the Constitution which has always protected any and all churches from said improper practices; that it has always been considered the concern of a church, alone, as to how it is organized, how it functions, what the relations between its members and officials are, and how the church operates, conducts its affairs, all to the exclusion of any outsiders; that in pursuing that course which he has now embarked upon, this petitioner and/or his counsel is and/or are attempting to create a dangerous precedent which can be used, if they be successful, against any and all other existing churches; that therefore, it is improper and wrong to hold this respondent responsible, accountable or attempt to gain from him information which he says he does not have, [fol. 183] as to the whereabouts of the said trustees of the said Puritan Church and of the said Brotherhood of the Ancient Order of St. John, and it is equally improper to charge said trustees, in any matter in which they are not a party or properly a party, and with which they have no connection, with being engaged in a conspiracy with this respondent to commit extortion or murder or being engaged in a sham of any kind, nature and description; that this respondent did not swear that he destroyed any correspondence between said Messrs. Miner, Norris and Race which, in the words of the said original motion read, or tending to show or, "showing or reflecting any dealings between", but, on the contrary, states that said correspondence was that accumulated over a period of years, was personal to himself, had nothing to do with any of the matters either properly or improperly before this Court, that they did not concern said Puritan Church, said Brotherhood of the Ancient Order of St. John, or any other

matters possibly within the pervue of this proceeding; that he had not examined said correspondence for upwards of six months and at that time, he destroyed said correspondence, there was no order pending and no reason why said correspondence should not be destroyed and that he destroyed said correspondence under the circumstances and for the reasons hereinabove given; he denies that if said correspondence had been produced by this respondent, that it would have been possible for this petitioner to have discovered anything therefrom regarding either the present whereabouts of the said Messrs. Miner, Harris and Race, or that their testimony could have been procured, or that [fol. 184] it would have in any way assisted the petitioner and/or his counsel in his and/or their supposition regarding the attempted extortion, blackmail, threats of hanging, murdering, or doing any of the other acts which said petitioner has imagined and now complains of, or that said Messrs. Miner, Norris and Race or said church or said brotherhood were, as is recklessly set forth in said petition "merely shams devised by Parker for the purpose of attempting to surround his attempted blackmail and extortion with an aura of sanctity"; that therefore, it does not appear and cannot appear to any reasonable soul, that by destroying said immaterial, personal and private correspondence, having nothing possibly to do with any of the matters in this proceeding, or mentioned in this proceeding, that this respondent can honestly, decently or properly be accused of having "knowingly destroyed material evidence in this cause."

16. That this respondent is well aware of the fact that on January 4, 1945 he had sworn "this affiant never heard of, nor has he ever had any connection with such an organization", which he made in answer to the portion numbered (23) of said motion which recited: "The pretended 'Puritan Church Committee to aid in driving the hoodlums, the assassins, the blackmailers, out of the control of labor unions, out of the control of the legal profession, out of the control of journalism and out of the control of politics' ", for in truth and in fact, there never has been such a committee; that this respondent was careful to answer the question categorically and truthfully, for he knew from long experience with the activities of the Chicago Tribune, whose counsel are the counsel for the petitioner

[fol. 185] herein, that had he answered that question in the affirmative, there was the strongest possibility that an article would appear in said paper, pilloring him and ridiculing him as having admitted that he belonged to a pretended committee of said church, and the files of the said newspaper furnish ample evidence of their treatment of this respondent, in the columns of said newspaper, without even such a basis as might thereby be furnished, had he answered other than he did; moreover, this respondent has repeatedly, under oath, and on his own initiative (Exhibit "A") not only maintained that he was chairman of a committee known as "The Puritan Committee to aid in driving the hoodlums, the assassins, the blackmailers, out of the control of labor unions, out of the control of the legal profession, out of the control of journalism and out of the control of politics", but in addition thereto, as he well recollects, he has furnished the attorneys for this petitioner with a statement that he was a member of said committee which exists in fact and has existed for some time as appears in the statement on page 15 of said petition; that therefore, this respondent could not properly be the member of any pretended committee, for none such ever existed, nor could he have had any dealings with a pretended committee, and that when he said he had not heard of any pretended committee, he was speaking the truth; it would have been improper, wrong and untrue of respondent to have admitted that he knew of any pretended committee as is described in said (23) of said motion heretofore filed by said petitioner and his counsel; and that this respondent denies that either he, or the said [fol. 186] Puritan Church or the said Brotherhood of the Ancient Order of St. John, or anyone that he knows or he has ever dealt with, have threatened to hang anyone, but he has said that the treatment accorded those who violate the Constitution should be, if they be found guilty of having violated the Constitution, is that they should be killed, for that is the fate which history has frequently dealt out to traitors of their country.

17. And this respondent specifically, in addition to all that appears herein, disavows any intention or intent of committing any acts or so conducting himself, that may or might be held or determined to be contempt of this Honorable Court.

18. That in Article VI of the Constitution of the United States appears a strict injunction that "this Constitution . . . of the United States . . . shall be the supreme law of the land and the judges in every state shall be bound thereby"; that in each, every and all of the said proceedings here mentioned and described, which this respondent has hereinabove set forth more fully, he has been deprived of his property without due process of law; and that he has in certain of said proceedings been deprived of his liberty without due process of law, all of which are in direct contravention, and contrary to, the provisions of the Fifth Amendment to the Constitution; that in certain of said proceedings hereinabove more fully set forth, the respondent has been deprived of the free exercise of religion, the freedom of speech and of the right to petition his government for a redress of said certain grievances in con- [fol. 187] travention of, and contrary to, the provisions of the First Amendment to the Constitution; that in certain of said proceedings hereinabove more fully set forth, this respondent has been deprived of the privileges and immunities properly guaranteed to him as a citizen of the United States, and he has been deprived of his liberty and property without due process of law, and he has been denied the equal protection of the laws, all of which are in contravention of, and contrary to, the provisions of the Fourteenth Amendment of the Constitution.

And therefore, respondent asserts:

First: From the above and foregoing, set out with reasonable sufficiency, it is patent to any reasonable soul that this respondent cannot be reasonably punished for contempt of court for "obstructing justice" by destroying the above-mentioned records of said "so-called Puritan Church" and said "so-called Brotherhood of the Ancient Order of St. John," and said correspondence of said Parker, Miner, Norris and Race while the same were being sought as evidence material to the merits of the matter in question in this cause"; nor did he ever intend any, for many months ago, to-wit: before this contempt arose, Judge Cornelius J. Harrington of this Court had, on the 24th day of August, 1944, ruled that the petitioner herein and his attorneys had no right to go on a "fishing expedition" into either said Puritan Church, or said Brotherhood of the Ancient Order of

St. John, or their records; for, moreover, in the light of this ruling, by a Judge of this said Court, of equal jurisdiction, [fol. 188] on the presentation of this identical question, and a ruling denying said power to the said petitioner, despite the fact that the petitioner states that "the same were being sought as evidence material to the matter in question in this cause", in accordance of said ruling of said Judge Harrington at the time said destruction took place, the evidence, by said Judge Harrington's ruling was not neither material to the matter in question here, nor did the said petitioner have the right to continue to seek such evidence, inasmuch as said evidence earlier had been ruled to be immaterial to the merits in said question by said Judge Harrington; for the further reason that this respondent has not admitted destroying any records of the said Puritan Church or of the said Brotherhood of the Ancient Order of St. John, for this respondent has never admitted destroying any of said records of said Puritan Church or of said Brotherhood of the Ancient Order of St. John; for the further reason that this respondent abandoned certain correspondence not "showing or reflecting any dealings" between himself and said Messrs. Miner, Norris and Race, which had accumulated over a long number of years, was of an extremely personal nature, had nothing to do with either said Puritan Church or said Brotherhood of the Ancient Order of St. John, and had not been viewed, examined or handled by this respondent for upwards of six months before the present time, when naught concerning them was pending; and for the further reason, that this respondent, having read said correspondence when it was received and occasionaly since, up to the said six months ago, is in a far better position to state with knowledge, and [fol. 189] does state, that said correspondence never did contain anything whatsoever material to the merits of this matter, even if it were to be produced and examined by the petitioner, whereas the petitioner never having seen any of said correspondence and knowing only of its existence by the statements of said respondent, is not in any position to either determine its existence or its materiality to the said cause.

Second: From the above and foregoing set out with reasonable sufficiency, it is again patent to any reasonable soul that this respondent cannot be reasonably punished for

contempt of court "for obstructing justice by committing perjury, by knowingly falsely swearing in open court on December 4, 1944 and again on January 2, 1945 that all of the said records (of said Puritan Church and of said Brotherhood of the Ancient Order of St. John) were in Canada, "nor did he ever intend any, for the reason that on the said dates the records of the said two entities were in Canada and nothing has been adduced save the unfounded suspicion of this petitioner and his counsel that they were anywhere else on those two dates; that it is highly improper either for this Court to permit inquiry into either said church of said brotherhood and that it is highly improper to hold this respondent accountable for the conduct of either said church or said brotherhood, when he has only an official connection with both, but does not have a control of either of said entities as he has been repeatedly showing in this proceeding; that in addition thereto, it is highly improper and wrong for this Court or for the [fol. 190] petitioner or his counsel to attempt to control the activities of persons and entities outside of this proceeding and this jurisdiction through any control that might be exercised over the person of this respondent; that this respondent has never committed perjury in this proceeding and that if that is the basis upon which a charge of contempt is hoped to be based in this proceeding, then there is no basis whatsoever on which to support such a charge, even if so determined by this Court.

Third: From the above and foregoing, set out with reasonable sufficiency, it is equally patent to any reasonable soul that this respondent cannot be reasonably punished for contempt of court for "obstructing justice, by committing perjury by knowingly falsely swearing in his affidavit of January 4, 1945 that he had never heard of and never had any connection with the 'pretended' or 'so-called Puritan Church Committee to Aid in Driving the Hoodlums, the Assassins, the Blackmailers, out of the Control of the Labor Unions, out of the Control of the Legal Profession, out of the Capitalized Control of Journalism, out of the Control of Politics—Conrad Miner, Charles Norris, Harrison Parker, Chairman' ", nor did he ever intend any, for the reason that there is not, nor has there ever been, any entity or organization, in fact, that was named, nor has there ever been any entity or organization that

could be described in fact, as the "pretended Puritan Church Committee to Aid, etc."; that this respondent swore truly when he said in his affidavit of January 4, 1945 that "this affiant never heard of, nor has he ever had any connection with such an organization", for the very good reason that there never has been either a "so-called Puritan [fol. 191] Church Committee to Aid, etc.", nor has there ever been a "pretended Puritan Church Committee to Aid, etc."; and for the reason of the non-existence of either of said entities or organizations, this respondent has denied that he has ever heard of them, nor had any connection with them; yet, on the contrary, in fact and in law, and for a long period of time, this respondent has admitted, during the taking of depositions in this matter on, to-wit: January 19, 1944, and thereafter, that he has been for a long time and still is, the chairman of an entity that exists in fact, which is known, and has only been known, as is set forth on Page 18, Line 11, of the petitioner's petition for rule to show cause as "Puritan Church Committee to Aid in Driving the Hoodlums, the Assassins, the Blackmailers, out of the Control of the Labor Unions, out of the Control of the Legal Profession, out of the Capitalized Control of Journalism, out of the Control of Polities"; and that he has been a member of this committee ever since its inception and is still chairman, as he has constantly insisted by this respondent, both during the taking of depositions and the hearings of this matter before the Court.

Wherefore, Respondent Prays:

One: That having fully, fairly and truly answered the rule, heretofore entered, to show cause why he should not be punished for contempt of this Honorable Court, he, the said Harrison Parker, respondent, be found and determined, by this Honorable Court, to have fully, fairly and truly answered the said petition, which he has been required [fol. 192] to answer, under oath, and hereby does; and that this Honorable Court find and determine that he, said Harrison Parker, be found and determined, to have fully satisfied said rule to show cause, heretofore entered against him, and that said rule be held and determined to be fully discharged, and that he, said Harrison Parker, be purged and freed of any contempt of this Honorable Court; and that he be forthwith discharged;

Two: That this Honorable Court, upon its own motion, examine into the conduct, herein set forth of said petitioner, Jacob Shamberg, and of his said counsel, Kirkland, Fleming, Green, Martin & Ellis, attorneys, and particularly said J. B. Martineau, Jr., for any improper conduct of which they are or any of them may be found guilty, particularly for their presuming to contrive to have one judge of this Honorable Court overrule the rulings of another judge of the Honorable Court, against the dignity of this Court, and for committing perjury by swearing, knowingly and falsely to certain petitions and motions filed herein by them or either of them; and in the event that they or any of them be found guilty, that they be punished accordingly, forthwith.

Harrison Parker, *Plaintiff.*
(*Respondent herein.*)

[fol. 193] *Duly sworn to by Harrison Parker jurat omitted in printing.*

Exhibit "A" to Said Last Mentioned Answer.

The Puritan Church—The Church of America.

The Puritan Church Committee, to aid in driving the hoodlums, the assassins, and the blackmailers out of the control of labor unions, out of the control of the legal profession, out of the control of journalism and out of the control of politics.

Conrad Miner,
Charles Norris,
Harrison Parker,
Chairman.

[fols. 194-195] In Supreme Court of Illinois

No. 29605

People State of Illinois, Defendant in Error,

vs.

Harrison Parker, Plaintiff in Error

Error to Appellate Court, First District

Minute Entry of Argument and Submission

Now on this day come the parties hereto and this being one of the days set apart for the call of the docket under

the rules of this Court, and it appearing to the Court that plaintiff in error hath filed herein a duly certified transcript of the record and proceedings of the Court below, together with printed abstracts thereof, and briefs and arguments of counsel in support of the errors assigned herein, and entered motion to reverse the judgment and remand said cause and for costs, and the said defendant in error having entered motion to affirm said judgment and for costs and procedendo, and said motions being taken under advisement for final hearing, and the Clerk of this Court reporting said cause is now ready to be taken, and said cause having been argued orally by Arthur Frankel for plaintiff in error and by George B. Duggan for defendant in error is here submitted for the consideration and judgment of the Court:

Therefore it is ordered by the Court that this cause be and the same is hereby taken under advisement.

[fol. 196] IN SUPREME COURT OF ILLINOIS

The People of the State of Illinois, Defendant in Error, v Harrison Parker, Plaintiff in Error.

Opinion filed March 19, 1947.

PER CURIAM: By this writ of error plaintiff in error seeks the reversal of a judgment of the Appellate Court for the First District, affirming a judgment of the circuit court of Cook county, finding him guilty of a direct contempt of court and sentencing him to the county jail for ninety days. A second judgment of conviction for a later contempt in the same court was reversed by the Appellate Court. No review has been sought of the reversed judgment.

Plaintiff in error, Harrison Parker, was the plaintiff in a slander suit, pending for trial in the circuit court of Cook county, against one Jacob Shamberg. During the preliminary stages of the proceeding, Shamberg filed a verified motion for discovery of documents, asking for a rule against plaintiff in error requiring him to show cause why he should not produce for inspection, and to be copied and photographed, certain documents listed in the motion.

The motion also requested that plaintiff in error be required to state by affidavit whether any of the specified documents were then or had been in his possession or power, and if not then in his possession or power, when he parted with them, and what became of them. The motion was apparently prepared and presented under the authority of paragraph (8) and (9) of Rule 17 of this court. (Ill. Rev. Stat. 1945, chap. 110, par. 259.17, subpars. (8), (9).) An order was accordingly entered by the court requiring plaintiff in error to produce the documents requested in the motion, and to make the required affidavit. On January 4, 1945, and within the time fixed by the order, plaintiff in error filed an affidavit with the clerk of the circuit court to which he attached as exhibits, five documents containing impertinent, insulting, malicious and scandalous charges against various judges of the circuit court of Cook county, the Appellate Court for the First District, and Justices of this court, as well as a number of other individuals prominent in public and private life. All of the courts of Illinois, including the court in which plaintiff in error was then a litigant, were charged with being corrupt and not open to the citizens of Illinois because of the corruption of the judges. Suggestion was also made that certain of the judges should be taken out [fol. 197] and summarily shot or hanged. These exhibits purported to be records, letters and other papers belonging to The Putitan Church, with which plaintiff in error appears to have been identified as an officer, and each of them bore his signature in some official capacity. It would serve no useful purpose to further detail here the contents of these exhibits since they are set out at length in the Appellate Court opinion. (*People* v. *Parker*, 328 Ill. App. 46.) That they contained impertinent, insulting, scandalous and contemptuous language reflecting on the integrity of the court cannot be denied.

Shamberg thereupon filed a motion directing the court's attention to the contents of the documents filed by plaintiff in error, and suggested that he be punished for contempt of court. Without permission of the court, plaintiff in error, on January 15, 1945, filed a long, verified answer to this motion in which he attempted to purge himself by asserting that the contents of the various documents were true. To this answer he appended his affidavit of January

4, 1945, together with the five exhibits attached to it. Thus, again, he presented to the court the same impertinent, insulting and scandalous matters contained in his first affidavit. After a hearing in open court, an amended order was entered on January 23, 1945, finding that the filing of the affidavit with its exhibits on January 4, 1945, and the filing of the answer on January 15, 1945, with its contents, constituted an obstruction of justice and abuse of the processes of the court; that it tended to lessen the dignity and authority of the court, and, by reason of such conduct, plaintiff in error was guilty of direct contempt of court. The affidavit, answer and exhibits were incorporated in the amended order by reference to the instruments as filed by plaintiff in error. The sentence to imprisonment in the county jail followed.

Plaintiff in error first contends that the documents in question were material to the issues in the slander suit against Shamberg, and the filing of them under the compulsion of an order of court could not be a contempt of court. By this argument plaintiff in error misconceives both the purpose and the extent of the court order. He had only to produce the documents for inspection and to be copied or photographed by the adverse party, under the direction of the court, and he would have fully complied with the order of court, as well as with the rule under which it was issued. Instead of complying with the order, [fol. 198] and for reasons best known to himself, he chose to file them with the clerk of the court, thus spreading the contents of the documents on the records of the court. Plaintiff in error's suggestion that the documents were material to the main suit becomes an empty argument when it is considered that these instruments had never previously been presented to the court, and the court, therefore, had no knowledge of their contents. The materiality of the documents had never been passed on by the court.

The gist of the many wild, shocking, insulting and scandalous charges contained in the exhibits to the affidavit and in the answer filed by plaintiff in error is that all of the courts in Illinois, including the court in which his suit was then pending, are corrupt, and that the courts are not open to the citizens of Illinois because of the corruption of the judges. Contempt may be committed by incorporating impertinent, scandalous, insulting or contemptuous

language reflecting on the integrity of the court in pleadings, motions and notice of motions. (*People* v. *Sherwin*, 334 Ill. 609.) The filing and presenting of the documentary exhibits in the circuit court constituted a direct contempt of that court.

The amended order of court, finding plaintiff in error guilty and sentencing him to the county jail for ninety days, recited the filing of the affidavit and exhibits on January 4, 1945, and the filing of the answer on January 15, 1945, as acts for which plaintiff in error was adjudged to be in contempt of court. It is urged that the sentence is a single one, while the judgment recites two separate and distinct offenses, and, for that reason, the sentence is erroneous and should be set aside. There is no merit in this contention. This is not in the nature of a criminal proceeding, and the rules regarding the trial of crimes by information or indictment have no application to proceedings for contempt. (*People ex rel. Rusch* v. *Kotwas*, 363 Ill. 336; *People ex rel. Martin* v. *Panchiré*, 311 Ill. 622.) The authorities cited by plaintiff in error, in support of his contention, pertain to criminal cases and are not applicable here.

Certain constitutional questions are presented as grounds for reversal of the judgment. The record shows that plaintiff in error proceeded with this appeal from the amended order directly to the Appellate Court. Having first taken his case to that court, where errors were assigned of which the Appellate Court had jurisdiction, he is deemed to have waived the constitutional questions and they cannot now be considered. *People* v. *Rosenthal*, 370 Ill. 244.

We are of the opinion that the judgment of the Appellate Court is correct, and it is affirmed.

Judgment affirmed.

[fols. 199-200] IN THE SUPREME COURT OF ILLINOIS

No. 29605

PEOPLE STATE OF ILLINOIS, Defendant in Error,

vs.

HARRISON PARKER, Plaintiff in Error

Error to Appellate Court, First District, 43C, 13381, 43372

JUDGMENT—March 19, 1947

And now, on this day, this cause having been argued by counsel, and the Court, having diligently examined and inspected as well the record and proceedings aforesaid, as matters and things therein assigned for error, and now, being sufficiently advised of and concerning the premises for that it appears to the Court now here, that neither in the record and proceedings aforesaid, nor in the rendition of the judgment aforesaid, is there anything erroneous, vicious or defective, and in that record there is no error.

Therefore, it is considered by the Court that the judgment of the Appellate Court, First District aforesaid, be affirmed in all things and stand in full force and effect, notwithstanding the said matter and things therein assigned for error. And it is further considered by the Court that the said defendant in error recover of and from the said plaintiff in error Costs by it in this behalf expended, to be taxed, and that it have execution therefor.

[fol. 201] PETITION FOR REHEARING COVERING 61 PAGES FILED APRIL 12, 1947.

Denied without more by order of May 19, 1947.

[fol. 202] IN SUPREME COURT OF ILLINOIS

ORDER DENYING REHEARING—May 19, 1947

And now on this day the Court having duly considered the petition for rehearing filed herein, and being now fully advised of and concerning the premises, doth overrule the prayer of the petition and denies a rehearing in this cause.

[fol. 203] Clerk's certificate omitted in printing.

[fol. 204] SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING CERTIORARI—Filed January 5, 1948

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted, and the case is consolidated with No. 428 for argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

FILE COPY

Office - Supreme Court, U. S.
FILED
AUG 15 1947
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 270

HARRISON PARKER, *Petitioner*,

vs.

PEOPLE OF THE STATE OF ILLINOIS.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS AND BRIEF IN SUPPORT THEREOF.

HARRISON PARKER,
Pro Se.

SUBJECT INDEX

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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No.

HARRISON PARKER, *Petitioner*,

vs.

PEOPLE OF THE STATE OF ILLINOIS.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES

May it Please the Court:

Petition of Harrison Parker respectfully shows to this Honorable Court:

A.

Summary Statement of the Matter Involved.

1. Petitioner was the plaintiff in an action in the Circuit Court of Cook County against Jacob Shamberg, an Assistant States Attorney of Cook County. On January 2, 1945, the Court entered an order upon the petition of the defendant, directing petitioner to show cause why he should not produce for inspection and to be copied or photographed certain documents allegedly in his possession. The order did not set any time or place for the production of these documents (Rec. 5, Add'l. Abst. 9, 10). The

order further required petitioner to state by affidavit filed in Court whether any of the documents were in his possession or had previously been in his possession or power and when he parted with the same and what had become thereof.

2. Thereafter on January 4, 1945, the petitioner filed certain of the documents (Rec. 5, Add'l. Abst. 21-50) and also the required affidavit with the Clerk of the Court (Rec. 5, additional abstract, 18-20).

3. Defendant thereupon made a motion to hold petitioner in contempt of Court for having filed the affidavit and the documents on the ground that the documents contained scandalous, malicious and defamatory allegations and material. To this motion petitioner filed an answer which contained, among other things, a reiteration of some of the charges in the documents which were the basis of Shamberg's motion (Rec. 5, Add'l. Abst. 50-70). The Court found petitioner guilty of contempt of Court for filing a scurrilous affidavit and exhibits thereto and a scurrilous answer and exhibits thereto and sentenced petitioner to three months in the County Jail of Cook County (Rec. 5, Add'l. Abst. 14-18).

Stage of Proceedings at which Federal Questions were Raised.

1. (a) The constitutional questions raised herein were first raised by petitioner in the Trial Court in his answer to the motion of defendant to hold petitioner in contempt of Court (R 5, additional abstract, 78-79).

(b) The Trial Court did not pass on these questions. After the order appealed from was entered, petitioner applied for a Writ of Error to the Supreme Court of Illinois (Rec. 3, Abst. 77). The application was denied.

(c) Petitioner then raised these questions in an application for a Writ of Error to the Appellate Court of Illinois. The Appellate Court passed on these questions as follows:

> "but in the instant case Parker, by suing out a Writ of Error from this Court, waived all constitutional questions that might be involved * * *"

(d) Petitioner then raised the same constitutional questions by an Assignment of Error in an appeal from the Appellate Court to the Supreme Court of Illinois (Rec. 3, Abst. 81, Par. 29) and that Court disposed of these questions in the following language:

> "Certain constitutional questions are presented as grounds for reversal of the judgment. The record shows that plaintiff in error proceeded with this appeal from the amended order directly to the Appellate Court. Having first taken his case to that Court where errors were assigned of which Appellate Court had jurisdiction, he is deemed to have waived constitutional rights and they cannot now be considered."

Jurisdiction.

1. A final judgment has been entered by the highest Court of Illinois.

2. Jurisdiction of this Court is invoked under Judicial Act, Section 237b, as amended (344 (g), Title 28 of U. S. C. A.).

3. The following cases, among others, are believed to sustain the jurisdiction of this Court.

Schneider v. *Irvington*, 308 U. S. 147.
Bridges v. *California*, 314 U. S. 266.

4. The judgment of the Supreme Court of Illinois was entered on the 19th day of March, 1947, and petition for

rehearing was filed by petitioner and rehearing was denied on the 19th day of May, 1947. Thus the date of the judgment to be reviewed is the 19th day of May, 1947.

Questions Involved.

The constitutional questions involved are:

1. Whether the Fourteenth Amendment protects petitioner against a conviction for contempt of court, where the act deemed contemptuous was an act required of him by a court order.

2. Whether petitioner can be deemed to have waived his rights under the Fourteenth Amendment by appealing to the Appellate Court after the Supreme Court of the State had denied his application for Writ of Error, where petitioner raised the constitutional questions in the Appellate Court.

Opinion of the Court Below.

Docket No. 29605—Agenda 2—January, 1947.

The People of the State of Illinois, Defendant in Error,

vs.

Harrison Parker, Plaintiff in Error.

Per Curiam: By this writ of error plaintiff in error seeks the reversal of a judgment of the Appellate Court for the First District, affirming a judgment of the circuit court of Cook County, finding him guilty of a direct contempt of court and sentencing him to the county jail for ninety days. A second judgment of conviction for a later contempt in the same court was reversed by the Appellate Court. No review has been sought of the reversed judgment.

Plaintiff in error, Harrison Parker, was the plaintiff in a slander suit, pending for trial in the circuit court of Cook county, against one Jacob Shamberg. During the preliminary stages of the proceeding, Shamberg filed a verified motion for discovery of documents, asking for a rule against plaintiff in error requiring him to show cause why he should not produce for inspection, and to be copied and photographed, certain documents listed in the motion. The motion also requested that plaintiff in error be required to state by affidavit whether any of the specified documents were then or had been in his possession or power, and if not then in his possession or power, when he parted with them, and what became of them. The motion was apparently prepared and presented under the authority of paragraph (8) and (9) of Rule 17 of this court. (Ill. Rev. Stat. 1945, chap. 110, par. 259.17, subpars. (8), (9).) An order was accordingly entered by the court requiring plaintiff in error to produce the documents requested in the motion, and to make the required affidavit. On January 4, 1945, and within the time fixed by the order, plaintiff in error filed an affidavit with the clerk of the circuit court to which he attached as exhibits, five documents containing impertinent, insulting, malicious and scandalous charges against various judges of the circuit court of Cook county, the Appellate Court for the First District, and Justices of this court, as well as a number of other individuals prominent in public and private life. All of the courts of Illinois, including the court in which plaintiff in error was then a litigant, were charged with being corrupt and not open to the citizens of Illinois because of the corruption of the judges. Suggestion was also made that certain of the judges should be taken out and summarily shot or hanged. These exhibits purported

to be records, letters and other papers belonging to The Puritan Church, with which plaintiff in error appears to have been identified as an officer, and each of them bore his signature in some official capacity. It would serve no useful purpose to further detail here the contents of these exhibits since they are set out at length in the Appellate Court opinion. (*People* v. *Parker*, 328 Ill. App. 46.) That they contained impertinent, insulting, scandalous and contemptuous language reflecting on the integrity of the court cannot be denied.

Shamberg thereupon filed a motion directing the court's attention to the contents of the documents filed by plaintiff in error, and suggested that he be punished for contempt of court. Without permission of the court, plaintiff in error, on January 15, 1945, filed a long, verified answer to this motion in which he attempted to purge himself by asserting that the contents of the various documents were true. To this answer he appended his affidavit of January 4, 1945, together with the five exhibits attached to it. Thus, again, he presented to the court the same impertinent, insulting and scandalous matters contained in his first affidavit. After a hearing in open court, an amended order was entered on January 23, 1945, finding that the filing of the affidavit with its exhibits on January 4, 1945, and the filing of the answer on January 15, 1945, with its contents, constituted an obstruction of justice and abuse of the processes of the court; that it tended to lessen the dignity and authority of the court, and, by reason of such conduct, plaintiff in error was guilty of direct contempt of court. The affidavit, answer and exhibits were incorporated in the amended order by reference to the instruments as filed by plaintiff in error. The sentence to imprisonment in the county jail followed.

Plaintiff in error first contends that the documents in question were material to the issues in the slander suit against Shamberg, and the filing of them under the compulsion of an order of court could not be a contempt of court. By this argument plaintiff in error misconceives both the purpose and the extent of the court order. He had only to produce the documents for inspection and to be copied or photographed by the adverse party, under the direction of the court, and he would have fully complied with the order of court, as well as with the rule under which it was issued. Instead of complying with the order, and for reasons best known to himself, he chose to file them with the clerk of the court, thus spreading the contents of the documents on the records of the court. Plaintiff in error's suggestion that the documents were material to the main suit becomes an empty argument when it is considered that these instruments had never previously been presented to the court, and the court, therefore, had no knowledge of their contents. The materiality of the documents had never been passed on by the court.

The gist of the many wild, shocking, insulting and scandalous charges contained in the exhibits to the affidavit and in the answer filed by plaintiff in error is that all of the courts in Illinois, including the court in which his suit was then pending, are corrupt, and that the courts are not open to the citizens of Illinois because of the corruption of the judges. Contempt may be committed by incorporating impertinent, scandalous, insulting or contemptuous language reflecting on the integrity of the court in pleadings, motions and notice of motions. (*People* v. *Sherwin*, 334 Ill. 609.) The filing and presenting of the documentary exhibits in the circuit court constituted a direct contempt of that court.

The amended order of court, finding plaintiff in error guilty and sentencing him to the county jail for ninety days, recited the filing of the affidavit and exhibits on January 4, 1945, and the filing of the answer on January 15, 1945, as acts for which plaintiff in error was adjudged to be in contempt of court. It is urged that the sentence is a single one, while the judgment recites two separate and distinct offenses, and, for that reason, the sentence is erroneous and should be set aside. There is no merit in this contention. This is not in the nature of a criminal proceeding, and the rules regarding the trial of crimes by information or indictment have no application to proceedings for contempt. (*People ex rel. Rusch* v. *Kotwas*, 363 Ill. 336; *People ex rel Martin* v. *Panchire*, 311 Ill. 622.) The authorities cited by plaintiff in error, in support of his contention, pertain to criminal cases and are not applicable here.

Certain constitutional questions are presented as grounds for reversal of the judgment. The record shows that plaintiff in error proceeded with this appeal from the amended order directly to the Appellate Court. Having first taken his case to that court, where errors were assigned of which the Appellate Court had jurisdiction, he is deemed to have waived the constitutional questions and they cannot now be considered. *People* v. *Rosenthal*, 370 Ill. 244.

We are of the opinion that the judgment of the Appellate Court is correct, and it is affirmed.

Judgment affirmed.

B.

Reasons Relied on for Allowance of the Writ.

Your petitioner respectfully suggests the following reasons relied on for the issuance of the Writ:

1. The decision of the Supreme Court of Illinois deprives petitioner of his liberty without due process, in contravention of the Fourteenth Amendment.

The State Court, in holding that petitioner could be imprisoned for contempt because of his compliance with the Court order necessarily held that the Courts of Illinois are not enjoined from arbitrary and oppressive acts to the same extent as the executive or legislative branches of the government which holding is contrary to the prior rulings of this Court.

The holding, in effect, denies to petitioner his rights and privileges under the Fourteenth Amendment and necessarily holds that the Fourteenth Amendment does not apply in proceedings for contempt of Court.

2. The decision of the Supreme Court of Illinois denies petitioner his rights under the Constitution by holding that the same were waived, although on the same facts this Court may hold that petitioner, or other litigants following the same procedure in the Courts of Illinois as petitioner adopted, do not waive the safeguards of the Constitution.

Petitioner raised the constitutional questions here involved in the first instance in the Trial Court by written answer and thereafter brought an application for a Writ of Error to the Supreme Court of Illinois. When the application for the Writ was denied, he then appealed to the Appellate Court and in that appeal continued to press

these constitutional questions. It is this appeal to the Appellate Court which is deemed a waiver of his constitutional rights despite the fact that petitioner has pressed and asserted them in every forum.

Wherefore, Harrison Parker, your petitioner, respectfully prays that a writ of certiorari be issued out of and under the seal of this Honorable Court, directed to the Supreme Court of Illinois, commanding that court to certify and send to this Court for its review and determination, on a day certain to be therein named, a full and complete transcript of the record and all proceedings in the case as numbered and entitled on its docket, and that said order of the Supreme Court of Illinois may be reversed by this Honorable Court and that your petitioner may have such other and further relief in the premises as to this Honorable Court may seem meet and just, and your petitioner will ever pray.

HARRISON PARKER,
Petitioner.

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No.

HARRISON PARKER, *Petitioner,*

vs.

PEOPLE OF THE STATE OF ILLINOIS.

BRIEF IN SUPPORT OF PETITION FOR CERTIORARI.

I.

Opinion of the Court Below.

The opinion of the Supreme Court of Illinois appears n full on page 4 of the petition submitted herewith.

II.

Jurisdiction.

This subject is treated on P. 3 of the petition for a writ f certiorari submitted herewith.

III.

Statement of the Case.

Petitioner was ordered to show cause why he should not roduce certain documents for examination. Petitioner led such of the documents as he had possession of with

the Clerk of the Court. The Court then decided that the documents were scurrilous and sentenced petitioner to jail for filing the documents.

IV.

Summary of Argument

Point 1.

1. Where a judge orders a litigant to perform an act, threatening him with punishment for contempt if he fails to perform it and then holds him in contempt for performing it, the litigant has been deprived of his liberty without due process of law.

Point 2.

2. Where a litigant raises constitutional questions in the Trial Court; appeals from the Court's decision to the Supreme Court of the State, and the Supreme Court of the State declines to hear his appeal, his subsequent appeal to the Appellate Court of the State, raising the same questions, does not constitute a waiver of his constitutional rights.

V.

Argument.

The bare statement that petitioner has been sentenced to jail for 3 months for complying with an order of Court and that his refusal to so comply would have brought the same result, requires no enlargement or argument, but of itself presents a case of so arbitrary, unfair and oppressive use of judicial power as to brand the proceeding

in violation of the Fourteenth Amendment (*Brinkerhoff-Faris Co.* v. *Hill*, 281 U. S. 673, 680). The inquiry here, must then turn to the question of whether or not the Supreme Court of Illinois, on any reasonable basis, could affirm this conviction.

The argument is that petitioner was not required to *file* the documents but only to *produce* them. It will be noted that the Trial Court had already ruled that the documents were relevant to the issues of the case then pending or might be (Rec. 3, Abst. 6). The order requiring the petitioner to produce, specified no place or time for the production of the documents (Rec. 5, Add'l. Abst. 9-10).

The question presented to petitioner was how to comply with the Court's order, namely; how and where to produce the documents. The Supreme Court of Illinois had already passed on this question in the case of *Lester* v. *The People*, 150 Ill. 408, wherein the Court held that a litigant could not be required to carry his records to his opponent's office, nor were they to be taken from his custody, the Court stating (p. 420):

> "The right to compel the production of books as evidence is clear. The right to compel to a submission of a general examination and inspection *out of the presence of the Court*, even though in the possession of one of its officers is entirely a different matter * * *. As before stated, its (the statute concerning discovery) purpose is met when the party is required to *produce in open court* all books and papers in his possession and power which contain evidence pertinent to the issue and reasonable opportunity is given for examination thereof *in the presence and under the direction of the court.*"

Thus petitioner acted upon authority of the Supreme

Court of Illinois in filing the required documents with the Court, since no other procedure had been laid out in the order to produce.

"The established practice is to require the documents to be deposited with an officer of the court * * *" *Martin* v. *Martin Co.*, (Del.) 102 Atlantic 373.

The proper place to produce documents for inspection is the office of the Clerk of the Court. *Beck* v. *Bohm*, 88 N. Y. S. 584.

Thus the opinion of the Supreme Court of Illinois requires us to amend our opening statement only to read as follows: Petitioner has been sentenced to jail for 3 months for complying with the order of Court in a manner prescribed by the Supreme Court of the State, the order itself being silent as to the method of compliance; and his refusal to comply with the order would have likewise resulted in his conviction. It is submitted that such a result is "offensive to the common and fundamental ideas of fairness and right." *Beth* v. *Brady*, 316 U. S. 455.

2. The Supreme Court of Illinois, however, avoids the necessary corollary to the foregoing, i. e., that petitioner was denied due process, by its holding that petitioner waived his constitutional rights by appealing to the Appellate Court. However, petitioner first appealed, by way of application for Writ of Error, to the Supreme Court of Illinois, but his application for the Writ was denied. Only then did he appeal to the Appellate Court, again specifying these questions in his Writ of Error. The Supreme Court of Illinois has already held that there can be no waiver of constitutional rights where they are asserted in both courts:

"We are unable to agree with the Appellate Court that the complainant, by the mere act of taking an

appeal to that court, must be deemed to have waived the question as to the validity of the statute. Without holding that he might not have so far waived or abandoned his claim in this respect as to have given that court jurisdiction, so far as its jurisdiction depended upon whether the validity of a statute was involved, we think it clear that in this case he made no such waiver. Whether the party appealing has waived a particular error must be determined from his assignments of error, and from his brief and argument on appeal. In both of these the complainant asserted and insisted upon the invalidity of the statute." *Chaplin* v. *Commissioners of Highways*, 126 Illinois 264, 274.

Here again, petitioner was given no choice. Had he failed to press his appeals he would have been deemed to have waived his right to due process under authority of *Frank* v. *Mangum* 237 U. S. 309. Having pressed his appeals, first to the Supreme Court and thereafter to the Appellate Court and thereafter to the Supreme Court again, the Supreme Court of Illinois holds he has waived his rights. The holding that he thus waived his rights is, in itself, a denial of due process of law.

CONCLUSION.

Petitioner respectfully submits that this case calls for the exercise by this Court of its supervisory powers in order that an interpretation of the 14th Amendment may be had covering the points herein involved, and to do justice in this case, and to such end prays for a Writ of Certiorari to reverse the judgment of the Illinois Supreme Court.

Respectfully submitted,

HARRISON PARKER
Pro Se

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NOV 5 1947
CHARLES ELMORE CROPLEY

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 270

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

MOTION TO STRIKE BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

HARRISON PARKER, Pro Se,
La Grange, Illinois.

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 270

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

MOTION.

Now comes Harrison Parker, the Plaintiff in Error, Pro Se, in the above entitled cause, and moves this Court to strike from its records the Brief in Opposition to his Petition for Writ of Certiorari.

There are in this brief, conclusions for which there are no facts, either in the record of the trial court, the record of the Supreme Court of Illinois, or in the record now before the Supreme Court of the United States in the above entitled cause.

And it contains matter which was not allowed by the rules of this Court to be in the record which was filed in

this Court by this Plaintiff in Error, in his Petition for Writ of Certiorari.

Harrison Parker
Pro Se.

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 270

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

AFFIDAVIT.

State of Illinois }
County of Cook } ss.

Harrison Parker, being duly sworn, deposes and says: That he is the Plaintiff in Error in the above entitled cause; that he is a citizen of the United States and a Puritan of the tenth generation of his family of Puritan men born on American soil, in a direct line from Deacon Thomas Parker who founded the Puritan Church at Reading, Massachusetts, in 1642; that the history of this family, which includes Captain John Parker, who fired, at Concord, the first shot in the American Revolutionary War, is in the records of the Massachusetts Historical Society at Boston, Massachusetts;

That, in order to deprive this Plaintiff in Error of his civil rights guaranteed to him in the Constitution of the United States and the Amendments thereto, and to furnish to the Attorney General of Illinois, a "peg" on which to hang, his Brief in Opposition to the Petition for a Writ of Certiorari, the archives of the Supreme Court of Illinois have been looted by adverse interests of documents important in the above entitled cause. (See exhibit A.) The removal of the records from the files of the Supreme Court of Illinois, made it possible for the Attorney General of Illinois, to make the following false statement in his Brief:

> "Petitioner sued out, not from the Supreme Court, but from the Illinois Appellate Court for the First District, a Writ of Error to review this conviction. Petitioner's statement that he was denied a writ of error by the Supreme Court of Illinois is absolutely false." (Page 5 of Brief in Opposition to Petition for Writ of Certiorari.)

When this Plaintiff in Error, was sentenced by the trial judge to six months in the Cook County jail for contempt of court, he personally, filed, during the recess of the Supreme Court of Illinois, with Justice Wilson of the Supreme Court of Illinois, at his office 30 N. Michigan Avenue, Chicago, a legal, orderly petition for a Writ of Error to the Supreme Court of Illinois.

That the order of jail committment of the trial judge was void; this had to be revealed to Justice Wilson in the petition for the Writ of Error.

That immediately the Tribune Law Firm, upon whose motion this Plaintiff in Error had been sentenced to six months in the Cook County jail, was informed of the void order;

That immediately Justice Wm. J. Fulton of the Supreme Court of Illinois was summoned from Sycamore, Illinois, to pass upon the petition for the Writ of Error, rather than Justice Wilson, to whom the void order had been revealed by this Plaintiff in Error;

That upon the arrival in Chicago of Justice Fulton, there was a meeting in the office of Justice Wilson; that there were present at that meeting, J. B. Martineau and D. M. Bates of the Tribune Law Firm, [redacted] a Mr. Gallagher from the office of the State's Attorney of Cook County, Justice Fulton, and the Plaintiff in Error, Harrison Parker;

That over the protest of this Plaintiff in Error, Justice Fulton allowed members of the Tribune Law Firm, who had no legal right to be in that meeting, to protest the petition of the Plaintiff in Error, for the Writ of Error to the Supreme Court of Illinois;

That over the protest of this Plaintiff in Error, Justice Fulton, acting for the Supreme Court of Illinois, denied the petition for a Writ of Error to the Supreme Court of Illinois, and directed this Plaintiff in Error, to file his petition for Writ of Error in the Appellate Court of Chicago;

That Harrison Parker was confined in the Cook County Jail, until the Tribune law firm had time to correct the void order of a jail commitment with the amended order which is in the record now before this court, for review;

That, of those present at that meeting, all were officers of the Supreme Court of Illinois, except the Plaintiff in Error, Harrison Parker;

That all record of what transpired at this very important meeting has been taken out of the files of the

Supreme Court of Illinois, to which this Plaintiff in Error has never had any access, either in person or by a lawyer.

Harrison Parker

Subscribed and sworn to before me
this 28th day of Oct., 1947.

W. J. Gallagher
Notary Public

EXHIBIT A.

Letterhead—Supreme Court State of Illinois.

August 4, 1947

Mr. Harrison Parker
Puritan Church
LaGrange, Illinois

Dear Sir:

A search has been made by this office but we find no case in this Court in which a writ of any nature has been denied by either Mr. Justice Francis S. Wilson or Mr. Justice William J. Fulton.

If you will advise the title of the case in which this order was entered a further search will be made. If this order refers to a case not yet filed in this case it is probable it will not be forwarded to this office.

Very truly yours,

Earle Benjamin Searcy

Clerk of the Supreme Court

OH

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FILED
OCT 22 1947
CHARLES ELMORE CROPLEY

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 270

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

GEORGE F. BARRETT,
Attorney General of the State of Illinois,
208 South LaSalle St., Chicago 4, Ill.,
Attorney for Respondent.

WILLIAM C. WINES,
Assistant Attorney General,
Of Counsel.

CHAMPLIN-OHEALY COMPANY, CHICAGO 365

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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 270

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

The Record Was Not Served Upon Respondent Until October 2, 1947.

Although petitioner served respondent's Attorney General with a copy of his printed petition on August 25, 1947, he did not serve a copy of the printed transcript until October 2, 1947. Therefore, the time for the filing of this response expires on October 22, 1947.

Opinions of the Courts Below.

The opinion of the Supreme Court of Illinois appears in 397 Illinois at page 305 (Advance Sheets, No. 4), and at pages 211 to 214 of the transcript.

The Illinois Supreme Court opinion refers to the opinion of the Illinois Appellate Court, *People* v. *Parker*, 328 Ill. App. 46, for a statement of the facts. Petitioner has not reproduced the Appellate Court's opinion in the transcript. The entire Appellate Court opinion is printed as Appendix I to this brief.

Jurisdiction.

Petitioner invokes the *certiorari* provisions of section 237-b of the Judicial Code (Title 28, U.S.C.A. Sec. 344 (g)).

Respondent resists this invocation of jurisdiction on the following grounds:

1. Under well settled rules of Illinois' appellate procedure, petitioner waived all Federal (as well as State) constitutional questions by prosecuting a writ of error from the Appellate instead of directly from the Illinois Supreme Court. This court has held that Illinois' rule that appeals to the Appellate Court waive federal constitutional questions will be respected by this court as a principle of Illinois practice; and that therefore this court has no jurisdiction to review federal constitutional questions where appellate review was sought in the Illinois Appellate Court before it was sought in the Illinois Supreme Court. (*Central Union Company* v. *Edwardsville*, 269 U. S. 190.)

2. Respondent contends that the federal constitutional questions sought to be presented are not substantial and indeed disappea entirely once the facts are correctly stated.

Statement of the Facts.

Since the Illinois Supreme Court's opinion refers to the Appellate Court's opinion for a complete statement of the facts and since petitioner does not include the Appellate Court's opinion in his transcript of the record, it is necessary briefly to narrate the facts as they appear in the record.

It may first be observed, however, that petitioner's own statement of the facts is so misleading in its suppressions as to be mendacious.

All matter set in quotation marks in the following narrative of the facts is quoted *verbatim* from the Appellate Court opinion.

Petitioner had filed a suit in the circuit court of Cook County, Illinois, against one "Jacob Shamberg for slander in saying of him, 'You are a blackmailer.' One of the defenses interposed was that 'the words complained of are true.'"

In the course of the proceedings, Shamberg obtained a rule upon petitioner "to show cause why he should not produce for inspection and to be copied or photographed certain documents, specifying them."

Instead of showing cause why such documents should not be so produced for inspection, copying and photographing by Shamberg petitioner filed these documents in the office of the clerk of the Circuit Court.

The Appellate Court opinion thus continues:

> "* * * The document purports to show that a resolution was passed by the 'Ecumenical Council of the Puritan Church of the United States' that the Federal Government at Washington be petitioned to convene a federal grand jury to investigate the charges made in the document and that President Roosevelt,

> under his war powers, 'convene a military court, and under the rules of such a court try for the crimes which they are charged with having committed against the civil liberties of the Nationals who are compelled to dwell in Illinois, the following men: Robert R. McCormick, Joseph Medill Patterson, Weymouth Kirkland, Judges Harry M. Fisher, Joseph Burke, John Prystalski, Hugo Friend, Joseph A. Sabath, and Justices Wilson, Gunn and Stone of the Supreme Court of Illinois. If found guilty, they should be taken out either by soldiers or a posse of civilians and shot, as a warning to other scoundrels, that our Federal Government will not tolerate the violation of a State Constitution, and the 'railroad' to prison or jail of innocent men by the order of crooked judges in the hire of this scoundrel, McCormick." (*Appendix, post,* p. 14.).

These documents, thus filed without either compulsion by or leave of the circuit court, contained "many wild, malignant and scandalous charges * * * against individuals, prominent public officials, judges of the various courts of Cook County, the judges of the Appellate Court of this District, judges of the Supreme Court of the State, and a judge of the United States District Court. The charges are not confined to the living—one of those attacked has been deceased for fifty years. Women, also, are wantonly attacked" (Tr. 212). The Appellate Court's abstract of these arrantly irrelevant vituperations continues from page 50 through 54 of the opinion. (*Appendix, post,* p. 11.).

When the filing of these remarkable documents elicited a rule upon petitioner to show cause why he should not be held in contempt for debauching the records of the circuit court, instead of confining himself to the assertion of his contention that the filing of such documents was in obedience to the rule "to produce them for inspection", petitioner filed an answer swearing that the contents of all of these documents was true (Tr. 26-35). The truth or falsity of the contents of these papers was of course not material

to any issue in petitioner's suit for defamation against Shamberg.

The circuit court held the respondent in contempt and sentenced him to imprisonment for ninety days (Tr. 74-77).

Petitioner sued out, *not from the Supreme Court, but from the Illinois Appellate Court for the First District*, a writ of error to review this conviction. Petitioner's statement **that** he was denied a writ of error by the Supreme Court of Illinois is absolutely false.

He attempted to assert in the Appellate Court his contention that the sentence compromised his rights of freedom of speech and that, since the documents purported to be a resolution of "The Puritan Church" of which he styles himself "Chancellor", it infringed his freedom of religion and worship.

The Appellate Court, in obedience to an axiom of Illinois Appellate procedure (see cases cited *post*), held that petitioner had waived all constitutional questions, if any such questions there were, by seeking appellate review in the Appellate rather than in the Supreme Court of Illinois. It held the matter filed and the action of petitioner in asseverating that it was true to be contemptuous and affirmed the judgment of the circuit court.

The Supreme Court of Illinois, referring to the Appellate Court's opinion for a full statement of the facts, likewise held that the constitutional questions, if any such questions could otherwise seriously have been raised, were waived by petitioner's resort to the Appellate Court instead of to the Supreme Court of Illinois, sustained the Appellate Court's holding that the actions of the petitioner were contemptuous and affirmed the judgments of the lower courts.

ARGUMENT.

I.

If any substantial federal constitutional question was raised in the circuit court, it was waived by petitioner's suing out a writ of error from the Illinois Appellate Court rather than the Illinois Supreme Court.

Both the Illinois Appellate Court and the Illinois Supreme Court held that petitioner had waived any federal constitutional question, whether substantial or not, by suing out a writ of error in the Appellate Court instead of seeking direct review by the Supreme Court of Illinois. In doing so, it followed a very well settled axiom of Illinois Appellate procedure. See *People* v. *Billow*, 377 Ill. 236, 239; *Simon* v. *Reilly*, 321 Ill. 431.

In *Central Union Co.* v. *Edwardsville*, 269 U. S. 190, this court recognized and deferred to the Illinois procedural rule that recourse in the first instance to the Illinois Appellate Court rather than to the Illinois Supreme Court constitutes, under a state rule of practice that is not unconstitutional and that is binding upon this court, a waiver of all federal constitutional questions; and that this court has no jurisdiction to review such a case upon any federal-constitutional ground. This court, upon perceiving that the case had been taken to the Illinois Appellate Court, dismissed its writ of error for want of jurisdiction to consider the questions sought to be presented.

II.

Even if petitioner's alleged constitutional questions had been properly preserved, they are without the slightest substance.

The decision of the Illinois Supreme Court that petitioner was not required to file the documents in question in order to comply with an order to "produce" them for inspection, copying and photographing by Shamberg, is conclusive in this court against petitioner's contention that the Illinois practice required him to file these documents.

Even if it be supposed that he was required to file rather than to merely exhibit the documents, he certainly committed contempt of court when he gratuitously swore that his calumny upon a large part of the Illinois state and federal judiciary and other citizens was true. That assertion was wholly irrelevant to any issue as to whether petitioner was guilty of contempt.

There is no doubt that these statements of petitioner constituted a criminal libel at common law even if they were true. But even if he had a constitutional right to utter them, which he had not, he had no right to utter them in a court of justice, either orally in the courtroom or in writing by filing them with the clerk.

Finally, if it could be supposed that an extremely latitudinarian concept of freedom of religion entitled petitioner to exhort his fellow citizens in effect to lynch justices of the Supreme Court of Illinois and judges of her lower courts, as well as other citizens, even that indulgent notion of freedom of worship could not entitle petitioner to practice his faith by making such exhortation through the mediacy of judicial records.

Conclusion.

For the reasons developed in this brief, it is respectfully submitted that the petition for writ of *certiorari* should be denied.

Respectfully submitted,

GEORGE F. BARRETT,
Attorney General of the State of Illinois,
Attorney for Respondent.

WILLIAM C. WINES,
Assistant Attorney General.
Of Counsel.

APPENDIX I.

People v. *Harrison Parker*, 328 Ill. App. 46.

Mr. Justice Scanlan delivered the opinion of the court:

This writ of error seeks to review two separate judgment orders. In each Harrison Parker, plaintiff in error, was found guilty of a direct contempt of the trial court, and the punishment imposed was ninety days in the county jail.

Both judgment orders were entered in a suit wherein plaintiff in error (hereinafter sometimes called Parker), on December 8, 1943, sued Jacob Shamberg for slander in saying of him, "You are a blackmailer." One of the defenses interposed was that "the words complained of are true." After Parker had been granted a change of venue from Judges Prystalski, Brothers, Fisher and Miner the cause was transferred to Judge Trude.

As to the first amended judgment order, entered January 23, 1945:

This judgment order found Parker guilty of a direct contempt of the court for filing in the office of the clerk of the Circuit court on January 4, 1945, an affidavit and certain documents attached thereto; and for filing on January 15, 1945, an answer and exhibits attached thereto. The affidavit and the documents attached thereto and the answer and the exhibits attached thereto were made a part of the judgment order.

After certain preliminary steps had been taken in the slander proceeding, Shamberg, on January 2, 1945, filed a verified motion in which he asked that an order be entered directing Parker to show cause why he should not produce for inspection and to be copied or photo-

graphed certain documents, specifying them; that Parker be required to state by affidavit whether any of the said documents are now or have been at any time in his possession or power, and if not now in his possession or power, when he parted with the same and what has become of them. The affidavit attached to the motion alleged that the documents related to the issues in the cause. The trial court entered an order that contains the following: "First, that the plaintiff, Harrison Parker, within four days from the date hereof, show cause why he should not produce for inspection, and to be copied or photographed, the documents described in said written motion . . . ," and "Second, that the plaintiff, Harrison Parker, within four days from the date hereof, state by affidavit filed in this Court whether any of the documents described in said written motion are now or at any time in the past have been in his possession or power, and if not now in his possession or power, when he parted with the same and what has become thereof." Instead of complying with the order, Parker, on January 4, 1945, filed in the office of the clerk of the court an affidavit to which were attached and made a part of it certain documents, one purporting to be a "Certified Copy of a Resolution Passed at the Joint Meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Order of St. John, Held at the Masonic Temple, 32 W. Randolph Street, on August 16th, 1943, and Amended at the Adjourned Meeting Held in Chicago on February 5, 1944"; another, purporting to be a copy of a letter of "The Puritan Church—The Church of America," addressed to "The Illinois League of Women Voters, 225 North Michigan Avenue, Chicago, Illinois," dated December 20, 1944, signed, "The Puritan Church By Harrison Parker, its Chancellor"; another, purporting to be a

copy of a letter of said church, addressed to "The Anti Defamation League, 100 North LaSalle Street, B'Nai B'Rith, Chicago, Illinois," signed, "The Puritan Church By Harrison Parker, its Chancellor"; another, purporting to be a copy of a letter of said church, addressed to the "Hon. Francis Biddle, Attorney General of U. S. A., Washington, D. C.," dated December 26, 1944, signed, "The Puritan Church By Harrison Parker, its Chancellor"; another, purporting to be a copy of a letter of said church, addressed to "Mr. Richardson," dated December 25, 1944, and signed, "Harrison Parker." Parker states in the affidavit that when he moved his private files from 4534 Greenwood Avenue, Chicago, in November, 1944, he destroyed all of his correspondence with Messrs. Miner, Norris and Race, "along with a lot of other useless and unimportant to him letters, records, etc.," and that he has attached to his affidavit all of the requested documents which he has at present in his possession, power, custody or control.

It would unduly lengthen this opinion to state in detail all of the many wild, malignant and scandalous charges that are made in the documents attached to the affidavit, against individuals, prominent public officials, judges of the various courts of Cook county, the judges of the Appellate court of this District, judges of the Supreme Court of the State, and a judge of the United States District Court. The charges are not confined to the living—one of those attacked has been deceased for fifty years. Women, also, are wantonly attacked. The father of the trial judge, who died a number of years ago, is charged with having put through a crooked deal, by which the public was robbed of enormous sums of money and a certain family enriched thereby. The first document attached to the affidavit charges, *inter alia*, that Robert R. McCor-

mick "has either influenced, intimidated or bribed a U. S. Court Judge of Chicago in Case No. 22619, to issue a crooked order which enabled him to enter his best friend's home, to steal his wife and break up his friend's home"; that the public records show that McCormick either influenced, intimidated or bribed Judges Fisher and Burke in a certain case to issue crooked orders in a vain attempt to hide the fact that a certain newspaper had stolen the sum of a hundred million dollars from Cook County; that the "public records show that . . . McCormick either influenced, intimidated or bribed Justices Stone, Gunn and Wilson, still sitting on the Supreme Court of Illinois, to write in case 24881 an opinion more crooked than any ever written by Judge Manton of Atlanta Prison, by which Cook County's legal orderly law suit to compel the Chicago Tribune to disgorge millions of dollars it has stolen from Cook County, was temporarily obstructed"; that "the public records show that . . . McCormick either influenced, intimidated or bribed the entire division of the Appellate Court of Chicago, presided over by Judge Hugo Friend, to write a crooked opinion in Case No. 39804, in litigation in which McCormick and his Weymouth Kirkland had a large money interest in a crooked opinion"; that in that opinion "the honest litigant [Parker] against Kirkland was outraged and despoiled by the crooked opinion of a crooked judge"; that "the public records show that . . . McCormick either influenced, intimidated or bribed Judges Joseph A. Sabath and John Prystalski, of the Criminal Court of Cook County in Cases 20981 and A40, to 'railroad' to Joliet Prison and to the Cook County Jail, for the benefit of this unconscionable scoundrel McCormick, men whom the Supreme Court of Illinois records in cases 20981 and 25595 show to be innocent of the charges for which they were 'railroaded' "; that "by reason of the corrup-

tion by said McCormick and his crooked lawyers of all the Courts of Illinois from Eugene McGarry's Municipal Court up to and including Francis Wilson's crooked Supreme Court of Illinois, the combined money fortunes of the Medill-McCormick-Patterson family now amounts to the dangerous figure of 125 million dollars"; that "the facts and evidence of the Chicago Tribune's 100 million dollar steal from Cook County and Robert R. McCormick and Weymouth Kirkland's pollution of the entire court system of Illinois, in a vain effort to hide their crimes, is even worse than it is in the above summary of the evidence, dug from actual public records"; that for "fixing crooked judges to write crooked opinions," McCormick "should be either incarcerated in an insane asylum or taken out by a posse of indignant and robbed fellow citizens, and either shot or hanged to an oak tree"; that McCormick, his newspaper and his crooked law firm have aided in placing on the Circuit and Superior courts of Cook county and the Appellate and Supreme Courts of Illinois judges who pass judgment on the lives and property of defenseless men and women who have no way to protect themselves "against the depravities which such scoundrels will commit under the cover of a court order and opinions"; that the Governor of Illinois, by the orders of said McCormick, has and is violating the Constitution of Illinois; that "one Werner Schroder, McCormick member from Illinois of the Republican National Committee, walks in and out of the back doors of the chambers of the crooked judges of the Supreme Court of Illinois, to make political deals for them, and with them, and . . . McCormick"; that the courts of Illinois are not open to the citizens of Illinois because of the corruption of the judges. The document purports to show that a resolution was passed by the "Ecumenical Council of the Puritan Church of the United States" that

the Federal Government at Washington be petitioned to convene a federal grand jury to investigate the charges made in the document and that President Roosevelt, under his war powers, "convene a military court, and under the rules of such a court try for the crimes which they are charged with having committed against the civil liberties of the Nationals who are compelled to dwell in Illinois, the following men: Robert R. McCormick, Joseph Medill Patterson, Weymouth Kirkland, Judges Harry M. Fisher, Joseph Burke, John Prystalski, Hugo Friend, Joseph A. Sabath, and Justices Wilson, Gunn and Stone of the Supreme Court of Illinois. If found guilty, they should be taken out either by soldiers or a posse of civilians and shot, as a warning to other scoundrels, that our Federal Government will not tolerate the violation of a State Constitution, and the 'railroad' to prison or jail of innocent men by the order of crooked judges in the hire of this scoundrel, McCormick." Appended to the document is an affidavit made by Parker in which he states that he was the secretary of the Joint Meetings of the Ecumenical Council of the Puritan Church of the United States, held at the Masonic Hall, 32 W. Randolph Street, Chicago, on August 16, 1943, and in Chicago on February 5, 1944; that Deacon William Ede presided; and that the document "is a true amended copy of one of the resolutions unanimously passed at said meetings." In the third document attached to the affidavit, the letter to "The Anti Defamation League, B'Nai B'Rith," the statement is made that "by the corruption of the entire court system of Illinois from Eugene McGarry's corrupt Municipal up to and including Francis Wilson's crooked Supreme Court of Illinois," the Chicago Tribune had stolen from the State of Illinois a hundred million dollars; "that the steal was accomplished by the open notorious cowardly and illegal connivance between the Tribune Company, the

owners of the Chicago Tribune, and two Jews: one Harry M. Fisher, a Judge of the Circuit Court of Cook County; and the other, Jacob Shamberg, the Assistant State's Attorney of Cook County"; that "both of these gentlemen . . . in order to gain the favor of the thief, the Chicago Tribune, had criminally sold out the State which they had been paid to protect"; that an illegal order entered by Judge Fisher in a certain case, 38-C-3209, "was more crooked than any ever issued by Judge Manton of Atlanta Prison." In the letter addressed to the Attorney General of the United States the statement is made that McCormick and his crooked lawyer, Weymouth Kirkland, "have corrupted the entire [court] system of Illinois, from Eugene McGarry's Municipal up to and including Francis Wilson's crooked Supreme Court of Illinois." In the letter addressed to the Illinois League of Women Voters the charge is repeated that the Tribune has corrupted all of the courts of Illinois. While contempt proceedings against him, growing out of the filing of the affidavit and the documents attached to it, were pending, Parker filed, on January 15, 1945, an answer, in which he stated that "all of the contents of said letters, documents and papers [attached to his affidavit] are true." Attached to the answer as an exhibit is a copy of his affidavit of January 4 and all of the exhibits attached to it.

In the amended judgment order entered January 23, 1945, the trial court found. "(3) That the filing of said scurrilous affidavit and exhibits thereto, and said scurrilous answer and exhibits thereto, by said Harrison Parker constitutes an obstruction of justice and an abuse of the processes of this Court, which conduct of said Harrison Parker took place while this Court was in open session and tended to lessen the dignity and authority of this Court; (4) The Court further finds that said Harrison Parker, who is now

here present in open Court, is, by reason of said conduct guilty of direct contempt of this Court." The sentence then follows.

When the order of January 2, 1945, was entered, Parker, after stating to the trial court that he had no objection to the entry of the order if the court wished to enter it, said, "I will have a nice answer; one that the town will be glad to have on record." The record justifies the conclusion that Parker desired publicity for his infamous charges and that in furtherance of that desire he filed the pleading and documents, so that the records of the courts would contain his charges. In the documents and pleading filed by Parker he is pictured as a man of great ability and force, but after a careful consideration of the many wild charges and statements contained in the documents and pleading we concluded that if there had been interposed in the trial court the defense that Parker was not of sound mind when he filed the documents and pleading, such a defense would have required serious consideration by the trial court and this court, but the record shows that no such defense was made and, therefore, for the purposes of this writ of error, we are obliged to presume that Parker was of sound mind when he committed the contempt of court for which he was punished.

[1] A number of so-called constitutional questions are raised by Parker. He sued out from this court the instant writ of error to review the two judgment orders finding him guilty of contempt. "The rule has long been settled that if a case is taken to the Appellate Court *and errors are assigned of which that court has jurisdiction*, the party taking the appeal or suing out the writ of error is deemed to have waived all constitutional questions involved. (*People* v. *Terrill*, 362 Ill. 61; *People* v. *Rosenthal*, 370 id. 244.) This eliminates from consideration the constitu-

tional questions raised by plaintiff in error." (*People* v. *Billow*, 377 Ill. 236, 239. Italics ours.) After Shamberg raised the point in his brief that Parker had waived all constitutional questions by suing out a writ of error from this court, Parker, in his reply brief, asserts that he has not and does not waive any of the constitutional questions, and that "if Parker has appealed to the wrong forum, that can be remedied by a motion to transfer it to the proper forum. And the Appellate Court has a duty, not to proceed to judgment, but to transfer the cause, and may do so, on its own motion. (*Schmidt* v. *Barr*, 328 Ill. 365.)" Parker contends that under Section 86 of the Practice Act (ch. 110, par. 210, Ill. Rev. Stat. 1945 [Jones Ill. Stats. Ann. 104.086]) and Rule 47 of the Supreme court of Illinois it is our duty to transfer the cause to the Supreme court. That section and that rule apply to cases brought to this court where we have no jurisdiction to entertain any of the issues raised on an appeal or writ of error. *Schmidt* v. *Barr*, *supra*, cited by Parker, is a case in point. There a freehold was involved, and it was held that as the Appellate court had no jurisdiction of such a case it was duty of the court to transfer the cause to the Supreme court. But in the instant case Parker, by suing out a writ of error from this court, waived all constitutional questions that might be involved, *as his brief assigns a number of errors of which this court has jurisdiction*, and it is our right and duty to determine the merits of the instant writ of error.

[2, 3] There are certain settled principles of law that govern us in the consideration of this writ of error. "The only matter that can properly be considered on such a review is the order of the court adjudging the party to be in contempt. *People* v. *Hogan*, 256 Ill. 496; *People* v. *Gard*, 259 Ill. 238; *Kneisel* v. *Ursus Motor Co.*, 316 Ill. 336;

People v. *Rockola*, 346 Ill. 27; *People* v. *Andalman*, 346 Ill. 149; *People* v. *Saylor*, 238 Ill. App. 142; *Tunnell* v. *People ex rel. Miller*, 253 Ill. App. 422; *Whitten* v. *State*, 36 Ind. 196; *Ex Parte Terry*, 128 U. S. 289." (*People ex rel. Bain* v. *Feinberg*, 266 Ill. App. 306, 308). "A contempt committed in any place set apart for the use of any constituent part of the court during the session of the court is committed in the presence of the court and any conduct constituting a contempt in the presence of any one of the constituent parts of the court while engaged in the business devolved upon it by law is a contempt committed in the immediate presence of the court. (*People* v. *Cochrane*, 307 Ill. 126.)" (*People* v. *Andalman*, 346 Ill. 149, 153.) These settled principles of law determine several contentions raised by Parker, and adversely to him.

It is contended that "there can be no defamation when the matters published are true and of public concern"; that "Parker denies that the truth, as set forth in the five exhibits, constitute either an obstruction of justice or an abuse of the processes of the court. If they are true, how can they be an obstruction of justice? If they are true, how can they be an abuse of the processes of the Circuit Court? *Nothing in the record contraverts the truth of Exhibits A, B, C, D and E, the finding and order of the Honorable Daniel P. Trude to the contrary notwithstanding. They are still true.* And can Parker be charged with responsibility for what the Puritan Church did?" (Italics ours.) In support of his argument Parker cites *Storey* v. *People*, 79 Ill. 45, which case has no application to the instant proceedings. (See *People* v. *Sherwin*, 334 Ill. 609, 613.) Parker further contends that before the trial court could find him guilty of contempt it would have to hear evidence to determine the truth or falsity of the charges made and would then have to find that the charges were

false before it could adjudge him guilty of contempt. It would seem hardly necessary to state that no authority is cited that supports this contention.

[4, 5] "Any act which is calculated to embarrass, hinder or obstruct the court in the administration of justice or to lessen its authority or dignity is a contempt. (*People* v. *Cochrane*, 307 Ill. 126.) Contempt may be committed by incorporating impertinent, scandalous, insulting or contemptuous language reflecting on the integrity of the court in pleadings, motions and notice of motions. (13 Corpus Juris, 31, 32.) In *Lamberson* v. *Superior Court*, 151 Cal. 458, 91 Pac. 100, an attorney was held guilty of contempt of court in filing an affidavit in support of a motion for change of venue from the judge, alleging that in a former trial of the case the judge willfully made erroneous rulings on the admission of evidence and gave erroneous instructions to the jury because of ill-will toward and hatred of the party making the application. In *McCormick* v. *Sheridan*, 20 Pac. (Cal.) 24, an attorney was held guilty of contempt in filing a petition for rehearing in which the good faith and sincerity of the commissioner who had written the opinion adopted by the court was attached. In *In re Dunn*, 85 Neb. 606, 124 N. W. 120, an attorney was held guilty of contempt of court in filing a petition for rehearing containing contemptuous and insolent language. . . . The disclaimer by plaintiff in error of any intentional disrespect to the court or any design to embarrass the administration of justice would have been of no avail, since his meaning and intent must be determined from the words used in his petition. (*People* v. *Wilson*, *supra* [64 Ill. 195].) In direct contempt committed in the presence of the court there is no need of evidence to prove what is already manifest. (*Hohenadel* v. *Steele*, 237 Ill. 229.) Whatever may have been the motive of plaintiff in error

in using the language which was used in the petition filed by him, the use of such language was improper and constituted a direct contempt of the court in which such petition was filed, and the circuit court did not err in so finding." (*People* v. *Sherwin*, *supra*, 615, 616, 618.) In this last case it is stated (p. 618) that an answer that the charges made were true would not purge the defendant of contempt. The trial judge in the instant case would have been a fit subject for ridicule had he followed the practice that Parker insists was necessary.

[6] Parker contends that the charges contained in the documents filed were made by the Puritan Church and that he cannot be held responsible for the acts of that church. It is a sufficient answer to this idle contention to say that he has been found guilty of direct contempt for *filing* the documents in the office of the clerk of the court.

We find no merit in several other contentions raised by Parker.

While we think that the punishment imposed was too mild in view of the nature of the offense, nevertheless, the judgment entered may tend to deter evil-minded persons from defiling the records of our courts.

We cannot allow certain conduct of the attorney for Parker to pass without condemnation. In the brief he filed in behalf of Parker he has seen fit to assert a number of times that all of the charges made by Parker are true. In the early part of our opinion we stated some of the infamous charges that are contained in a purported copy of a resolution passed at the joint meetings of the Puritan Church in Chicago on August 16, 1943, and on February 5, 1944. Referring to these charges, this attorney states: "It [Exhibit A] recites facts, which, though deplorable, are nonetheless true, and as such, they are the basis upon

which the Federal Government is urged to bring its power to bear so that 'republican form of government' can be re-established in Illinois." In commenting upon the exhibits attached to the affidavit filed by Parker on January 4, 1945, this attorney states: "If these exhibits are true, and they have never been proved otherwise, how can they be what the defendant, Shamberg, and his Tribune lawyers have stated them to be? Neither the Tribune lawyers nor anyone else can make the truth anything but the truth, even though the necessity be ever so urgent. Can the mere statements of Shamberg and his Tribune lawyers override the laws of Illinois, the Constitution of the State of Illinois, and the Constitution of the United States, in addition to the truth? How can the power of contempt be superior to the truth? Can the power of contempt be used as a bludgeon? If contempt is equal or superior to the truth, then it can be used to squelch, choke off and destroy the truth, but the history of the world proves that such is impossible not only in theory, but in practice any rulings of the Honorable Daniel P. Trude to the contrary notwithstanding." Other statements akin to the foregoing are also made in the brief. Thus it appears that the attorney sustains the infamous charges made by Parker against all of the courts of Illinois. It is our considered judgment that when Arthur Frankel, the attorney in question and an officer of this court, filed the brief for Parker in this court he was guilty of conduct far more reprehensible than that of Parker in filing the affidavit and the documents on January 4, 1945, and the answer on January 15, 1945.

[7, 8] "The lawyer's duty is of a double character. He owes to his client the duty of fidelity, but he also owes the duty of good faith and honorable dealing to the judicial tribunals before whom he practices his profession. He

is an officer of the court—a minister in the temple of justice." (*People* v. *Beattie*, 137 Ill. 553, 574. See, also, *People* v. *Barrios*, 237 Ill. 527, 540.) "The obligation which attorneys assume when they are admitted to the bar is not merely to be obedient to the constitution and laws, but to maintain at all times the respect due to the courts of justice and judicial officers." (6 C. J. 594, Attorney and Client Sec. 54.)

Attorney Frankel was false to his obligations as an attorney when he filed the brief in question, and he has proven, out of his own mouth, that he is not fit to serve as "a minister in the temple of justice."

The first amended judgment order entered January 23, 1945, is affirmed.

As to the second contempt order, entered against Parker on January 23:

On January 15, 1945, eleven days after Parker had filed the affidavit and documents attached thereto, Shamberg filed in the slander proceedings a very long verified petition. It prays for an order directing Parker to show cause why he should not be punished for contempt of court for committing certain acts alleged in the petition. The petition is an anomalous pleading, and was clearly vulnerable to attack by apt pleadings. As Parker was found guilty of the second direct contempt because of certain statements in his answer to the petition, it is unnecessary for us to state all of the averments of the petition. In his brief Shamberg describes the petition as "a sworn petition asking for a rule on Parker to show cause why he should not be punished for other and further contempts, some *indirect*." We deem it necessary, however, to state the following averments in the petition:

"Said Parker has stated under oath that said so-called 'Puritan Church' and said 'Brotherhood of The Ancient Order of St. John' have made plans to hang and murder numerous citizens and public officials, including the Governor of Illinois, several judges of the Supreme Court of Illinois, the Appellate Court of Illinois, and the Circuit and Superior Courts. Said Parker, in his deposition heretofore taken, identified letters he had written threatening to commit the abovementioned murders, which letters he had signed 'Puritan Church—by Harrison Parker.' It was, therefore, alleged by and on behalf of this defendant in the divers petitions (filed to procure subpoenas), that said so-called 'Puritan Church' was either in conspiracy with said Parker to commit extortion by threatening to commit the above-mentioned murders, or else was merely a sham devised by said Parker in an attempt to surround his attempted extortion and blackmail with an odor of sanctity.

"Said Parker, in resisting said petitions, and all other attempts to ascertain by deposition and in open court the identity and whereabouts of the persons he pretended composed said so-called 'Puritan Church' and said so-called 'Brotherhood of The Ancient Order of St. John,' stated under oath, both in the taking of his own and other depositions, and also in open court, on numerous occasions, that said so-called 'Puritan Church' and said so-called 'Brotherhood of The Ancient Order of St. John' had three 'trustees', one Conrad Miner, one Charles Norris, and one Homer Race, but that he did not know the whereabouts or residence of any of these three supposed 'trustees.'

"Defendant [Shamberg] was and is still seeking to procure the testimony of said three supposed 'trustees', Miner, Norris and Race, for the purpose of showing either

that said so-called 'Puritan Church' and said so-called 'Brotherhood of The Ancient Order of St. John' were either in conspiracy with said Parker to commit the crime of extortion by threatening to commit the above described murders, or else were merely shams and fraudulent devices designed by said Parker, in an attempt to surround his attempted extortion and blackmailing with an odor of sanctity." The petition also avers that in one of the preliminary hearings in the slander suit after Parker had made a certain statement to the trial court Shamberg's attorney stated to the court: "This man [Parker] is very slippery," and they desire to have him make the statement under oath.

The prayer of the petition is: "(1) An order be entered directing said Parker to show cause why he should not be punished for contempt of court *first*, for obstructing justice by destroying the above mentioned records of said so-called 'Puritan Church' and said so-called 'Brotherhood of the Ancient Order of St. John' and said correspondence between said Parker and said Miner, Norris and Race while the same were being sought as evidence material to the merits of the matter in question in this cause; *second*, for obstructing justice by committing perjury by knowingly falsely swearing in open court on December 4, 1944, and on January 2, 1945, that all of said records were then in Canada; and *third*, for obstructing justice by committing perjury by knowingly falsely swearing in his said affidavit of January 4, 1945, that he had never heard of and never had any connection with the so-called 'Puritan Church Committee to Aid in Driving the Hoodlums, the Assassins and the Blackmailers out of the Control of Labor Unions, out of the Control of the Legal Profession, out of the Control of Journalism, and out of the Control of Politics—Conrad Miner, Charles

Norris, Harrison Parker, Chairman.' (2) Petitioner likewise prays that said Harrison Parker be ordered to answer this petition under oath within a short day to be fixed by the Court." The trial court ruled that Parker should answer the petition.

When Shamberg's petition is considered in the light of the fact that Parker had demanded a jury trial in the slander case, it seems reasonably clear that the trial court should not have ruled Parker to answer the petition, as the evident purpose of that pleading was to have the trial court prejudge facts that Parker insisted should be submitted to a jury. Parker's answer to the petition takes up a great many pages of the record. After the answer had been filed the trial court entered the following judgment order:

"ORDER

"THIS CAUSE COMING ON TO BE HEARD upon the sworn petition of defendant, Jacob Shamberg, filed by leave of court on January 15, 1945, while the cause of 'Harrison Parker, Plaintiff vs. Jacob Shamberg, Defendant, No. 43C-13381' was still pending before this court, *for an order requiring said Parker to show cause why he should not be punished for criminal contempt of court* by reason of the matters and things in said petition alleged, and upon Harrison Parker's answer thereto filed on January 22, 1945;

"THE COURT FINDS:

"(1) The Court has jurisdiction of the parties and of the subject matter hereof;

"(2) That on January 15, 1945, a sworn petition was filed on behalf of the Defendant, Jacob Shamberg, in the case of 'Harrison Parker, Plaintiff, vs. Jacob Shamberg, Defendant, No. 43C-13381,' *which sworn petition charged*

said Harrison Parker with criminal contempt of court by reason of the matters and things therein alleged;

"(3) That on January 15, 1945, an order was entered by this Court, requiring the said Harrison Parker to show cause by Friday, January 19, 1945 *why he should not be punished for criminal contempt of court by reason of the matters and things set forth in said petition* filed on behalf of said Jacob Shamberg;

"(4) . . .

"(5) That on Monday, January 22, 1945 said Parker filed in the office of the Clerk of the Circuit Court of Cook County his 'Answer to Petition for Rule to Show Cause,' a true and photostatic copy of which Answer is attached hereto, incorporated herein, and made a part hereof, and marked 'Exhibit A' hereto;

"(6) That said 'Answer to Petition for Rule to Show Cause,' so filed by said Harrison Parker on January 22, 1945 which answer is attached hereto, incorporated herein, made a part hereof, and marked 'Exhibit A' hereto, *does not purge said Parker of the criminal contempt charged in said sworn petition filed on behalf of said Shamberg on January 15, 1945;*

"(7) That in said 'Answer to Petition for Rule to Show Cause,' so filed by said Parker on January 22, 1945 said Parker has affirmatively set forth scurrilous, scandalous, defamatory, immaterial matter, which constitutes an obstruction of justice and an abuse of the processes of this court, and which conduct of said Harrison Parker took place while this court was in open session and tended to lessen the dignity and authority of this court;

"(8) THE COURT FURTHER FINDS that said Harrison Parker, who is now here present in open court, is, by reason of said conduct, guilty of direct criminal contempt of this court;

"WHEREFORE, THE PREMISES CONSIDERED:

"IT IS ORDERED AND ADJUDGED that said 'Answer to Petition for Rule to Show Cause,' heretofore filed by said Parker in the office of the Clerk of this court on January 22, 1945 which is attached hereto, incorporated herein, made a part hereof, and marked 'Exhibit A' hereto, be, and the same is hereby attached hereto, incorporated herein, made a part hereof and marked 'Exhibit A' hereto with the same force and effect as if the same were set forth in full in the body of this order; and

[A] "IT IS FURTHER ORDERED AND ADJUDGED that said Rule to Show Cause heretofore issued by this court on January 15, 1945 requiring Harrison Parker to show cause why he should not be punished for contempt of court by reason of having committed the acts set forth in said petition heretofore filed on behalf of said Jacob Shamberg on January 14, 1945, in the case entitled Harrison Parker, Plaintiff, vs. Jacob Shamberg, Defendant, No. 43C-13381, be and the same is hereby made absolute; and

[B] "IT IS FURTHER ORDERED AND ADJUDGED that said Harrison Parker was and is hereby adjudicated guilty of and in direct criminal contempt of this court by reason of his having affirmatively set forth the scurrilous, scandalous, defamatory and immaterial matters set forth by him in said 'Answer to Petition for Rule to Show Cause,' heretofore filed by said Harrison Parker in the office of the Clerk of this Court on January 22, 1945; and

"IT IS FURTHER ORDERED AND ADJUDGED that said Harrison Parker stand committed to and be confined in the County Jail in said County of Cook and State of Illinois for ninety (90) days; . . ." (Italics ours.)

This order shows that the trial court thought that the petition of Shamberg charged Parker with "direct crim-

inal contempt" of court, whereas it merely asked for a rule upon Parker to answer the petition; that the trial court thought that the order he entered required Parker to show cause why he should not be punished for criminal contempt of court, whereas the order merely required Parker to answer the petition filed by Shamberg. The court, in paragraph (6) of his judgment order, held that Parker by his answer did not purge himself "of the criminal contempt charged in said sworn petition filed on behalf of said Shamberg." Shamberg admits in his brief, as he must, that his petition charges only indirect contempts, and that Parker could not be punished, under the petition, for destroying records out of the presence of the court, or for committing perjury in the presence of the court. Shamberg is compelled to rely, for an affirmance of the judgment order, upon that part of the order that we have designated as "[B]", wherein the court adjudges that Parker was guilty of direct criminal contempt of the court by reason of "scurrilous, scandalous, defamatory and immaterial matters set forth by him in said 'Answer to Petition for Rule to Show Cause.'" The court does not designate the part or parts of Parker's answer that are "scurrilous, scandalous, defamatory and immaterial," but, Shamberg, in his brief, relies upon that part of Parker's answer wherein he charges that in the petition for rule to show cause one of Shamberg's counsel had "knowingly and recklessly perjured himself," and had taken "reckless liberties with the orderly processes of the law"; also upon the following paragraph of Parker's answer: "Two: That this Honorable Court, upon its own motion, examine into the conduct, herein set forth of said petitioner, Jacob Shamberg, and of his said counsel, Kirkland, Fleming, Green, Martin & Ellis, attorneys, and particularly said J. B. Martineau, Jr., for any improper conduct of which they are or any

of them may be found guilty, particularly for their presuming to contrive to have one judge of this Honorable Court overrule the rulings of another judge of the Honorable Court, against the dignity of this Court, and for committing perjury by swearing knowingly and falsely to certain petitions and motions filed herein by them or either of them; that in the event that they or any of them be found guilty, that they be punished accordingly, forthwith."

[9] When Shamberg filed the instant petition Parker had already filed the documents and pleading, thereby committing the contempt for which he was punished in the first amended judgment order, and in one of the documents Shamberg, *an assistant State's attorney*, was charged with selling out the State of Illinois and conniving with a thief, so that the latter was enabled to steal one million dollars from the State of Illinois. It is a reasonable assumption that when Shamberg filed his petition he was justly incensed at Parker because of that charge. In determining whether any statements in Parker's answer constitute direct contempt of court it must also be noted that Shamberg in his petition for a rule made many serious charges against Parker. The latter undoubtedly had the right to answer these charges and to make countercharges. The petition is a highly provocative pleading, and Shamberg probably intended that it should have that effect. There is some force in the contention of Parker that the petition was designed to provoke him into making some answer or statement that would subject him to criminal prosecution or contempt proceedings. There is also force in Parker's argument that if the statements he made in his answer, upon which Shamberg now relies, constitute contempt of court, why did not the many charges made against Parker in the petition also constitute con-

tempt of court? We do not think that the statement made by Parker in his answer wherein he asks the court to examine into the conduct of Shamberg and his counsel constitutes contempt of court, as Parker had as much right to ask the trial court to inquire into the conduct of Shamberg and his counsel as Shamberg had to ask the court to inquire into certain conduct of Parker. Shamberg contends, rather feebly, that certain parts of Parker's answer attack the trial court, and cites in support of the contention, "(*Add. A. 158-192*)." We do not think that any statement contained in that part of Parker's answer justifies the instant contempt judgment. The petition bitterly attacks the so-called Puritan Church, and Parker in his answer defends the church from the attacks and insists that under the constitution the courts have no right to interfere with the conduct of churches. He states in the answer that Judge Harrington, when the matter was before him, refused to aid Shamberg in his attempts to inquire into the membership and conduct of that church, and that Shamberg, in his petition, is seeking to have Judge Trude overrule Judge Harrington, but that statement did not constitute direct contempt of court. We think that when the statements made by Parker in his answer are considered in the light of the serious charges that were made against Parker and the Puritan Church in the petition, the answer seems to be a fairly temperate pleading. We have reached the conclusion that the trial court erred in entering the second judgment order, finding Parker guilty of a direct criminal contempt.

The amended judgment order of the Circuit court of Cook county, entered January 23, 1945, finding Harrison Parker guilty of direct contempt, is affirmed. The second judgment order of the Circuit court of Cook county, en-

tered January 23, 1945, finding Harrison Parker guilty of direct criminal contempt of court, is reversed.

Amended judgment order of the circuit court of Cook county entered January 23, 1945, finding Harrison Parker guilty of direct contempt, affirmed. Second judgment order of the Circuit court of Cook county entered January 23, 1945, finding Harrison Parker guilty of direct criminal contempt of court, reversed.

FRIEND, P. J., and SULLIVAN, J., concur.

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Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947

No. 270

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

BRIEF OF THE PEOPLE OF THE STATE OF ILLINOIS, RESPONDENT.

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Printed by Authority of the State of Illinois.

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IN THE

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No. 270

HARRISON PARKER,

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vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

BRIEF OF THE PEOPLE OF THE STATE OF ILLINOIS, RESPONDENT.

STATEMENT.

MAY IT PLEASE THE COURT:

This brief is in answer to petitioner's brief in support of his petition for certiorari, upon which he has elected to stand.

OPINIONS OF THE COURTS BELOW.

The Illinois Supreme Court's opinion (396 Ill. 583; R. 211-214) refers to the opinion of the Illinois Appellate Court, *People* v. *Parker*, 328 Ill. App. 46, for a statement of the facts. For the convenience of the Court, the entire Appellate Court opinion is printed as Appendix B to this brief.

JURISDICTION.

Petitioner has waived all constitutional questions by appealing the final contempt judgment of January 23, 1945, to the Appellate Court of Illinois and not to the Supreme Court of Illinois (our Brief in Opposition to his Petition for Certiorari; also *infra*, pp. 8-9, 20-22).

STATEMENT OF THE FACTS.

The facts stated in the opinions of the Supreme Court of Illinois (R. 211-214) and of the Appellate Court of Illinois (Appendix B) are nowhere challenged by petitioner. The following undisputed facts, taken in the main from these opinions, show that petitioner, Harrison Parker, on December 8, 1943, brought a slander suit in the Circuit Court of Cook County, Illinois, against one Jacob Shamberg, alleging that Shamberg had said of and concerning him, petitioner: "You are a blackmailer," to which Shamberg pleaded the truth (R. 1; R. 212; App. "B", pp. 1-2).

Seeking discovery of documents preliminary to trial, Shamberg filed a verified motion praying that petitioner be ordered to show cause why he should not produce for inspection and to be copied and photographed certain documents listed in the motion (R. 212; R. 66-69; App. "B", pp. 1-2). The motion (R. 66-70) also prayed that petitioner be required to state by affidavit whether any of the specified documents were then or had at any time been in his possession or power and if not then in his possession or power, when he had parted with the same and what had become thereof (R. 212; App. "B", p. 2).

As correctly stated in the opinion of the Supreme Court of Illinois (R. 212), this motion was prepared and presented under the authority of paragraphs 8 and 9 of Rule 17 of the Supreme Court of Illinois relating to the discovery of documents (Illinois Revised Statutes [1945], Chapter 110, Par. 259.17, Sub-paragraphs 8 and 9, p. 2541). The pertinent paragraphs of Rule 17 are set up in Appendix "A".

In the language of Rule 17, the motion averred that the documents of which discovery was sought were documents "relating to the merits of the matter in controversy" (R. 66-70) [i. e., whether or not petitioner was a blackmailer] and were described in the motion as documents showing dealings among petitioner, the so-called "Puritan Church" and certain purported affiliated organizations (R. 67-69). These documents, petitioner had claimed in statements to the Court, not under oath, were all in Canada (R. 4, 195-196, 180), to which Shamberg's counsel responded that they were entitled to have petitioner make these statements in the form of affidavits for further proceedings under Rule 17 (R. 4).

When this motion was made on January 2, 1945 (R. 212, 66; App. "B", pp. 1-2), petitioner, after repeating his claim that all of the documents sought were in Canada and would not be brought back, stated in open court: "Your Honor, I suppose I have no objection to your entering the order if you want to do it" (R. 4; App. "B", p. 8). When asked how much time he wanted to file the required affidavit, petitioner stated (R. 5; also App. "B", p. 8): "They [i. e., the documents described in the motion] are not coming back, Your Honor. There is no worry about that. I can answer that thing. I should say give me until Friday and *I will have a nice answer; one that the town will be glad to have on record*" (Italics supplied.)

Thereupon, an order was entered by the court in the language of Rule 17 (Appendix "A") requiring that within four days he **"show cause why he should not produce for inspection and to be copied or photographed, the documents described in said written motion . . ."**; and also that he ". . . state by affidavit filed in this Court whether any of the documents described in said written motion are now

or at any time in the past have been in his possession or power, and if not now in his possession or power, when he parted with the same and what has become thereof* (R. 71; R. 212; App. "B", p. 2). **This order says not a word about "filing" any of the documents.**

The directive language of this order is quoted because petitioner's entire claim in this Court that he was denied due process is based on the hypothesis that this order compelled him under threat of punishment actually to *file* in court [or with the Clerk of the Court] the documents in question (Petition for Certiorari, pp. 4, 12, 13, 14).

The Supreme Court of Illinois has held, however, that this order, entered under its own Rule 17, neither required nor permitted petitioner to file the documents (R. 213). The text of the order would admit of no other construction; nor could the Discovery Rules of the Illinois Supreme Court give the order any other effect even if the construction of the order were one for this Court rather than for the Illinois court.

On January 4, 1945, two days after the entry of the above described order, petitioner filed in the office of the Clerk of the Circuit Court of Cook County an affidavit in which he stated in substance concerning the documents whose discovery was requested that some had never been in his possession, some he had given to other persons, some he had destroyed, and four he had in his possession (R. 212, 5-6, 125-127, App. "B", pp. 2-3). Instead of contenting himself with merely stating whether he was willing to have Sham-

* Rule 17 provides for further proceedings, thus:
"'. . . On the return or hearing of the order to show cause the Court may make such order as to discovery or inspection as may be just, and, if the other party claims that the document or article is not in his possession or control he may be ordered to submit to examination in open court or by deposition regarding the locating of such document or article."

berg, the other party to the slander suit, inspect or copy or photograph these four documents—which was all the Supreme Court of Illinois has held that the order required or permitted him to do (R.213)—petitioner attached purported copies of the four documents as exhibits to his affidavit and, as stated above, filed the same in the office of the Clerk of the Circuit Court of Cook County (R. 212; R. 126-127; App. "B", pp. 2-3).

These four documents—attached as exhibits to the contempt order (see R. 212, 127-150), the constitutionality of which is challenged in this Court—all purport to be records, letters and other papers of the so-called "Puritan Church" with which petitioner claimed to have been identified as an officer, and each of the documents bears his signature in some official capacity (R. 212, 138-139, 140, 148, 150; App. "B", pp. 2-3). As we have already stated, petitioner had informed the trial Court that all such documents were in Canada and would not be brought back (R. 4).

The nature of these documents has been thoroughly delineated in the opinions of the courts below (see App. B, pp. 3 to 8; and R. 211-214).

The Attorney General will not advance the design of petitioner by unnecessarily detailing his monstrous accusations against judges, officials and private citizens. Suffice it to say: They are unprecedentedly venomous; they include exhortations to hang or shoot judges and other citizens summarily (R. 89, 137-138, 85, 133), and make deprecatory allusion to certain of the judges named on account of their race and faith (see R. 211-214); also App. B, also R. 91, 141; also R. 93, 196, 143, 145; also R. 79, 87, 135, 87, 88, 135, 136; also R. 155, and R 191-192.

Because of the improper filing of these documents, Shamberg's counsel, on January 8, 1945, suggested that petitioner be summarily punished for *direct* contempt (R.

212, 24-25). The contempt being direct, no sworn petition was filed and no rule to show cause was entered; admittedly none was necessary or proper.*

Thereafter, as correctly stated in the opinion of the Appellate Court (App. B, p. 8):

> "* * * While contempt proceedings against him, growing out of the filing of the affidavit and the documents attached to it, were pending, Parker filed, on January 15, 1945, an answer [see R. 102-150], in which he stated that 'all of the contents of said letters, documents and papers (attached to his affidavit) are true.' Attached to the answer as an exhibit is a copy of his affidavit of January 4 and all of the exhibits attached to it [See R. 125-150]."

Of petitioner's voluntary filing of this answer, the Supreme Court of Illinois says (R. 212-213):

> "* * * Without permission of the court, plaintiff in error, on January 15, 1945, filed a long, verified answer to this motion in which he attempted to purge himself by asserting that the contents of the various documents were true. To this answer he appended his affidavit of January 4, 1945, together with the five exhibits attached to it. Thus, again, he presented to the court the same impertinent, insulting and scandalous matters contained in his first affidavit * * *".

When petitioner refiled his affidavit of January 4, by attaching a copy of it to his improper answer of January 15, the trial court on that date summarily sentenced him to jail for 90 days for *direct* contempt for obstructing justice, by improperly filing these scandalous, false, defamatory and impertinent documents. The sentence was first imposed in the original order of January 15, 1945, which incorporated the offending documents by reference (R. 71-74). This order was later superseded and amplified

* In our "Brief in Opposition to Petition for Writ of Certiorari," page 4, we inadvertently stated that a rule to show cause was entered.

by the amended order of January 23, 1945—the amplification consisting of the physical inclusion of the offending affidavit and answer (R. 74-150).

Petitioner nowhere challenges these findings of fact by the courts below.

Of the ninety-day sentence, the Appellate Court of Illinois said that although it was "too mild" it might nevertheless tend in its opinion to deter other "evil-minded persons from defiling the records of our courts" (App. "B", p. 13).

Petitioner applies to the Illinois Supreme Court for Writ of Error and Supersedeas in connection with order of January 15, 1945, not the order of January 23, 1945.

Because of charges that petitioner makes in this Court that the records of the Supreme Court of Illinois have been "looted" (see petitioner's "Motion to Strike Brief in Opposition to Petition for Writ of Certiorari"), respondent presents the following additional facts:

When the order of January 15, 1945, was entered, petitioner sought a review thereof by applying directly to the Supreme Court of Illinois in a Petition for Writ of Error and Supersedeas presented to a Justice, who denied it on January 23, 1945 (R. 57). Later that same day, with petitioner present in Court (R. 75), the original order of January 15, 1945 was replaced by the amended order of January 23, 1945. The amendment consisted of the inclusion as exhibits of the contemptuous affidavit and answer (see R. 77-150), which in the original order of January 15 had been incorporated by reference (R. 73). This is all admitted by petitioner's tenth assignment of error (see R. 58, 62), wherein he complains that the trial court erred in *again* taking jurisdiction and entering the amended order

[i. e., the order of January 23, 1945] after a motion for a writ of error and supersedeas had been denied by the Supreme Court of Illinois [i. e., from the original order of January 15, 1945].

In the courts below, petitioner admitted, and will doubtless admit in this Court, that he *never attempted* a direct appeal to the Illinois Supreme Court from this *order of January 23, 1945;* and he sought to excuse his failure so to do on the alleged ground that it would have been "useless" since that court had already refused to take jurisdiction of the order of January 15, 1945. (see Appendix "C").*

Instead of making a direct application to the Illinois Supreme Court, petitioner took that order—the amended order of January 23, 1945, the one here in question—directly to the Appellate Court of Illinois (R. 60-61). The records of the Supreme Court of Illinois therefore quite naturally do not show any denial of writ of error or *supersedeas* from that order, the amended order of January 23, 1945, as appears from Exhibit A, p. 7 of petitioner's "Motion to Strike Brief in Opposition to Petition for Writ of Certiorari"; **for admittedly no such application was ever made or denied.** Overlooking these admitted facts, petitioner asserts in said motion that the records of the Supreme Court of Illinois were "looted" of evidence of an attempt by petitioner to take the order of January 23, 1945 directly to the Supreme Court of Illinois.

* Appendix "C" consists of photostatic copies of certain pages from petitioner's brief in the Illinois Appellate Court, which have been certified by the Clerk of that Court and filed in this Court. Printed reproductions of these are appended to this brief as Appendix "C."

SUMMARY OF ARGUMENT.

(1) Petitioner filed an affidavit in the court records of *Parker* v. *Shamberg*, to which he deliberately attached copies of four documents.

(2) Petitioner was not ordered, allowed or permitted to place such documents in the court records.

(3) These four documents are of unparalleled impertinence and scandal.

(4) Petitioner was motivated by private spite and public malice, well knowing he was not allowed or permitted thus to misuse the rolls of the court.

(5) After being put on notice by contempt proceedings, he deliberately filed an improper answer to which he again attached the same contemptuous documents.

(6) Petitioner was thereby guilty of a direct contempt of court for which his punishment is "mild".

(7) Petitioner has waived all constitutional questions by failing to seek direct review of the final contempt judgment of January 23, 1945, in the Supreme Court of Illinois.

(8) In any event, the order adjudging petitioner in contempt was so plainly justified that even if he had not waived his "constitutional questions", he could not prevail upon them in this court.

(9) Apart from any consideration of "vindicating its dignity," the court had a right (and we say a duty) to prevent the use of its archives as a facility for the defamation of private citizens, just as courts have a right and duty to punish as contempts admitted forgeries of their records, assaults upon citizens in their presence, and the use of their courtrooms for the public and gratuitous defamation of inhabitants of the community.

ARGUMENT.

I.

The discovery order of January 2, 1945 neither compelled nor permitted Parker to file the offending documents; and his act in doing so was voluntary and contemptuous. Therefore the contempt order of January 23, 1945 punishing him for so doing does not deprive him of due process.

Courts have the inherent power and duty to preserve the integrity of their files, to prevent the encumbrance of their records with unauthorized documents and to protect their proceedings against the malicious insertion of scandalous and impertinent matter. This right and duty has from time immemorial been enforced by direct contempt proceedings as for obstructing justice. In the present case, as pointed out in the opinion of the Illinois Appellate Court (App. B, p. 8), petitioner's threat, "I will have a nice answer; one that the town will be glad to have on the record" (R. 5), justifies the conclusion that he "desired publicity for his infamous charges and that in furtherance of that desire he filed the pleading and documents, so that the records of the Court would contain his charges." (App. —) Had petitioner merely published, out of the presence of the Court, the charges contained in the offending documents, he could not in all probability have been punished for contempt unless the charges were of such a nature as to constitute a "clear and present danger" to proper consideration of pending litigation (*Bridges* v. *California*, 314 U. S. 252; *Pennekamp* v. *State of Florida*, 328 U. S. 331). But when petitioner chose to spread his charges in the court records, he committed an act in the *presence of the court;*

and no reasonable person can or will deny that unless some excuse can be found for his act, he was guilty of direct contempt.

Quite aside from vindication of the court's dignity is the very important and self evident consideration that the court may prevent the use of its records, as it may prevent the use of its courtroom, as facilities for the utterance of gratuitous obloquies upon the state's inhabitants.

Forgery is a crime; but forgery of judicial records, or the utterance of forgeries in or upon a court, is contempt. Assault and battery is a crime. But if committed in the presence of the court, it is a contempt. And, we submit, impertinent defamations, oral or written, in the presence of a court or by the perversion of its facilities, is a contempt even if it also constitutes an independent offense. [This is true whether the victims of such attack, physical, oral or written, are judges, such as were some of petitioner's victims, or private citizens, as were others of the persons upon whom petitioner chose to pour forth his objurgations.]

Punishment for direct contempt is not lack of due process; indeed, the inherent power of the courts instantly to repel such vicious attacks committed in their very presence "cannot be denied them without inviting or causing such obstruction to the orderly and impartial administration of justice as would endanger the rights and safety of the entire community" (*Ex Parte Terry*, 128 U. S. 289, 309); (see also *Owens* v. *Dancy*, 36 Fed. (2d) 882 (cert. denied, 281 U. S. 746); *Kneisel* v. *Ursus Motor Co.*, 316 Ill. 336 (writ of error dismissed); *Gilmore* v. *People*, 273 U. S. 772; *People* v. *Sherwin*, 334 Ill. 609; 17 C. J. S. §28, pp. 37-38; *Sears* v. *Starbird* (Cal.), 16 Pac. 531; *Huggins* v. *Field* (Ky.), 244 S. W. 903; *In re Breen* (Nev.), 93 Pac. 997). As a matter of

fact, petitioner himself does not contend in this Court that the documents themselves are not *malum in se**; instead he argues that he should be excused from punishment for direct contempt for spreading them in the court records.

The only excuse that he offers in this Court is bottomed on his assertion that the trial court, in the discovery order of January 2, 1945 (Rec. 70-71), threatened him with punishment for contempt unless he did file these documents; and that when he did so, the trial court, in the amended contempt order of January 23, 1945, found him guilty of direct contempt for so doing, which he says deprives him of his liberty without due process of law (Pet., pp. 4, 12, 13 and 14).

Now unless this is true, petitioner admittedly filed the documents as an inexcusable voluntary act in the face of the Court, punishable as a direct contempt. From this it would ineluctably follow that the contempt order of January 23, 1945, punishing him for doing so was not a denial of due process: *Cooke* v. *U. S.*, 267 U. S. 517, 534; *Ex Parte Terry,* 128 U. S. 289, 309. If the contempt order was clearly not a denial of due process, then no substantial injustice could have been done petitioner by the Supreme Court of Illinois' statement in its opinion that he had waived all constitutional questions by appealing to the Appellate Court (Pet., pp. 8, 2-3, 4, 9, 12, 14 and 15). Absent the due process question, the Illinois courts could have come to no conclusion other than that filing the documents was a direct contempt (*People* v. *Sherwin,* 334 Ill. 609).

* In the Appellate Court he contended again that all of his infamous charges were true and hence no contempt. His attorney was censured by the Appellate Court for repeating on his own authority as counsel that the charges were true (App. "B," pp. 13-14).

But the order did not even give petitioner leave, much less did it command him, to file the documents.

We have only to glance at the order to see that it did not. The order, entered with petitioner's consent (R. 4-5, 70-71), was a simple discovery order entered under Rule 17, Pars. 8, 9,* of the Supreme Court of Illinois—and that Court, in construing its own rule, has so held (R. 211-212).

This discovery order merely required petitioner, *first, to show cause* why he should not produce for inspection [by the other party, Shamberg] and to be copied or photographed [by Shamberg] certain documents described in the motion upon which the order was based (R. 71) and, *second,* to state by affidavit whether any of the documents described in the written motion were then or had been in his possession or power and, if not, when he parted with them and what had become of them (R. 71). This second requirement was peculiarly *apropos* because petitioner had repeatedly denied to the trial court that he had possession of any of the documents in question, and had said that they were all in Canada and would not be brought back (R. 4, 159-160, 194-195).

Of petitioner's basic contention that if he had not *filed* the papers in question he could have been punished for contempt, the Supreme Court of Illinois disposes as follows (R. 213):

> "Plaintiff in error first contends that the documents in question were material to the issues in the slander suit against Shamberg, and the filing of them under the compulsion of an order of court could not be a contempt of court. By this argument plaintiff in error misconceives both the purpose and the extent of the court order. He had only to produce the documents

* These paragraphs are attached as Appendix "A."

> for inspection and to be copied or photographed by the adverse party, under the direction of the court, and he would have fully complied with the order of court as well as with the rule under which it was issued. Instead of complying with the order, [fol. 198] and for reasons best known to himself, he chose to file them with the clerk of the court, thus spreading the contents of the documents on the records of the court."

This construction of the Illinois Supreme Court's rules of practice is binding on this Court: *John* v. *Paullin*, 213 U. S. 583, 585; *Central Union Co.* v. *Edwardsville*, 269 U. S. 190, 195; *Hawks* v. *Hamill*, 288 U. S. 52, 57, 58; *United Gas Co.* v. *Texas*, 303 U. S. 123, 139; *Lyons* v. *Oklahoma*, 322 U. S. 596, 601.

Petitioner hints in this Court that even if the discovery order of January 2, 1945, did not compel him to file the documents, it nevertheless *permitted* him to do so (see Pet. p. 13). This suggestion is based on the erroneous claim that the discovery order had held the documents "relevant". The Supreme Court of Illinois disposed of this claim as follows (R. 213):

> "Plaintiff in error's suggestion that the documents were material to the main suit becomes an empty argument when it is considered that these instruments had never previously been presented to the court, and the court, therefore, had no knowledge of their contents. The materiality of the documents had never been passed on by the court."

So it is clear that the order of January 2, 1945, neither required nor permitted petitioner to *file* any of the documents of which discovery was being sought. To hold otherwise would require a construction of Illinois Supreme Court Rule 17 (and of like discovery rules of other courts) to the effect that a party ordered merely to state the facts about whether he has or ever had possession of certain

documents, or about his willingness to let the other party see the ones he has; must also attach copies of the documents and *file* them in the Court's records before the Court has had a chance to inspect or to rule upon them. This construction, as pointed out by the Supreme Court of Illinois (R. 213), is too absurd to argue.

Equally ridiculous is the contention that such a discovery *permits* any document, no matter how evil, to be spread in the court's permanent records before the court has even been afforded an opportunity to inspect and rule upon it. In *Reiss* v. *Kirkman and Son*, 273 N. Y. S. 7; 242 App. Div. 77, the court, in construing the New York discovery rule upon which Rule 17 of the Illinois Supreme Court is based, said in part (p. 9):

> ". . . The purpose of the legislation was to promote the presentation of the facts in aid of justice, so that parties would not need to go blindly into a trial with no knowledge of what evidence might develop. Such methods of procedure facilitate a trial and aid in seeking the truth upon which justice should be based. Rule 141, above cited, requires the court to make such order 'as justice requires.' "

In his petition for certiorari, upon which he now stands, petitioner cites (pp. 13-14) the cases of *Lester* v. *People*, 150 Ill. 408, *Martin* v. *Martin Co.* (Del.), 102 Atl. 373, and *Beck* v. *Bohm*, 88 N. Y. S. 584. These cases all hold merely that a party ordered to make a discovery may, if he insists, require inspection of documents to take place in the presence of the Court or some officer thereof. None of these cases hold that a mere discovery order to show cause why documents should not be produced for *inspection* either requires or permits them to be *filed* as court records until after the Court has inspected and ruled on them.

These cases did not construe Rule 17 of the Supreme

Court of Illinois which, as already shown, holds that an order entered under that rule neither requires nor permits the filing of the documents of which discovery is sought. That construction is fair, reasonable, liberal and hence unassailable in this Court: *John* v. *Paullin*, 213 U. S. 583, 585; *Central Union Co.* v. *Edwardsville*, 269 U. S. 190, 195; *Hawks* v. *Hamill*, 288 U. S. 52, 57, 58; *United Gas Co.* v. *Texas*, 303 U. S. 123, 139; *Lyons* v. *Oklahoma*, 322 U. S. 596, 601.

This shows the invalidity of petitioner's excuse for the filing of the impertinent and scandalous documents. By so doing, petitioner committed a direct contempt and thus ran afoul of the inherent power of the courts to protect their permanent records from the unauthorized and inexcusable filing of such impertinent and scandalous documents or pleadings. That this inherent power may be exercised by summary punishment has never been disputed. "Such summary vindication of the court's dignity and authority is necessary. It has always been so in the courts of the common law, and the punishment imposed is due process of law" (*Cooke* v. *U. S.*, 267 U. S. 517, 534; *Ex Parte Terry*, 128 U. S. 289, 309).

In any case, petitioner admits (Pet. p. 2) that he filed these documents again when, after he had been put on notice by being cited for direct contempt for filing the documents of January 4, 1945, he filed, voluntarily and without permission of the Court, his long, verified answer of January 15, 1945 (R. 102-150). In this answer he attempted to purge himself by asserting the *truth* of the offending documents (R. 105-106) which he attached as exhibits thus again spreading them of record (R. 122-150). There was no order requiring or permitting petitioner to file this answer; he does not pretend that there was. Furthermore, no an-

swer or any other formal pleading was either necessary or proper since the contempt of January 4, 1945, with which he then stood charged, was a direct contempt in the face of the Court (*Ex Parte Terry*, 128 U. S. 289; 17 *Corpus Juris Secundum*, §28, pp. 37-38; *Owens* v. *Dancy*, 36 Fed. (2) 882; *Sears* v. *Starbird* (Cal.), 16 Pac. 531; *Huggins* v. *Field* (Ky.), 244 S. W. 903; *In re Breen* (Nev.), 97 Pac. 997; *People* v. *Sherwin*, 334 Ill. 609, 612, 617; *People* v. *McDonnell*, 377 Ill. 568, 572; *In re Estate of Kelly*, 365 Ill. 174, 183).

The record supports no conclusion other than this: When petitioner voluntarily besmirched the records of the Circuit Court of Cook County by filing, and then, after being put on notice, re-filing these documents, he did so voluntarily and not under the compulsion or permission of any court order, but in pursuance of his threat: "I will have a nice answer; one that the town will be glad to have on record" (R. 5), which, in the opinion of the Appellate Court (Appendix "B", p. 8) supports the conclusion that petitioner "desired publicity for his infamous charges and that in furtherance of that desire he filed the pleading and documents, so that the records of the Court would contain his charges." The Supreme Court of Illinois agrees in effect with this reasoning (R. 213). The finding as to petitioner's motivation is one of fact, is supported by fair, indeed, inescapable inference, was concurred in by three Illinois courts, and is therefore not open to review here.

Petitioner's act was a deliberate direct contempt. As this Court has pointed out, the inherent power of the courts instantly to repel such acts committed in their very presence by summary punishment for direct contempt ". . . cannot be denied them without inviting or causing such obstruction to the orderly and impartial administration

of justice as would endanger the rights and safety of the entire community" (*Ex Parte Terry,* 128 U. S. 289, 309). That the sentence imposed on petitioner may serve as a warning to other evil-minded persons who might be tempted to spread upon court records, without any authority or excuse, any impertinent or scandalous matter they may choose to file is indicated in the opinion of the Appellate Court of Illinois (Appendix B, p. 13).

In this Court, petitioner suggests that he is entitled to clemency because he was acting *pro se* when the contempts were committed, and is again acting *pro se* in this Court; he also hints that at most he was merely guilty of the erroneous belief that under the discovery order and the holding of the Supreme Court of Illinois in *Lester* v. *People*. 150 Ill. 408, he was ordered to spread the contemptuous documents of record [Pet., pp. 13-14].

In reply to this, it may be observed, *first,* that alleged ignorance of law is no excuse for committing criminal contempt; 17 C. J. S. §41, p. 54. Next, it should be noted that the record also shows that before he filed the documents, and again after he was charged with contempt for doing so, petitioner was represented by counsel (see R. 3, 60). Also, the phrasing of the body of the affidavit of January 4 (R. 77-78) and the answer of January 15 (R. 102-122) show clearly either that both are the handiwork of some undisclosed lawyer, or else that petitioner himself is skilled in the use of legal phraseology. Indeed, the basic theme of the offending documents is petitioner's claim that he is learned in the law; for he presumes to set himself above all of the courts of Illinois, both State and Federal, and to hold their judgments to be not only incorrect but "illegal," "unconstitutional," "corrupt" and resulting from "bribery".

Furthermore, as even the bitterest enemy of any of the

persons defamed would readily agree, petitioner's charges are in and of themselves so shocking as to be *malum in se*, and enough to put any person, no matter how unlearned in law, on notice before he presumed to defile any court by spreading them on its permanent records, where for all time, "He who runs may read." Moreover, when petitioner re-filed the documents in his answer of January 15, 1945, he had *actual notice* that it was claimed that his act in filing them on January 4 was contemptuous.

Finally, the question of petitioner's alleged erroneous belief is a question of fact. Petitioner could hardly have actually thought that an order to "show cause why he should not produce for inspection" meant that, under pain of an impending threat of a sentence for contempt, he had to spread on the court's records these papers which he had tod lthe Court were not in his possession but were in Canada and would not be brought back (R. 4-5). The courts of Illinois did not find that he entertained any such belief. This Court should not find so.

II.

Petitioner waived all constitutional questions by taking his case directly to the Appellate Court of Illinois.

In answer to the second point raised by petitioner (Pet. pp. 2-3, 4, 9, 12, 14 and 15), respondent points out and emphasizes the following facts:

After the original contempt order of January 15, 1945 was entered, petitioner applied directly to the Illinois Supreme Court for a writ of error and a supersedeas to review it (R. 57). But his motion was denied *and thereafter this order of January 15, upon which it was based, was super-*

seded by the amended order of January 23, 1945 (R. 74 *et seq.*)

The trial court had jurisdiction to enter this amended order. *Hovey* v. *McDonald*, 109 U. S. 150, 159-161; *Lee* v. *Fowler* (Mass.), 161 N. E. 910; 4 C. J. S. 606, pp. 1089-1090; *Ex Parte Friday* (Cal. App.), 32 Pac. (2d) 1117, 1118. The question of the court's jurisdiction to enter or amend an order while an appeal is pending is one of state law.

After this amended order of January 23, 1945, was entered, with petitioner present in Court (R. 75), he never made any attempt whatsoever to apply directly to the Illinois Supreme Court for any review of it. Instead, he sued out a writ of error in the Appellate Court which affirmed the sentence (R. 61). *And it is this amended order of January 23, not the order of January 15, of which he is now complaining.* As pointed out above, this is admitted in this Court by petitioner's tenth assignment of error, and was admitted by him in the courts below, where he sought to excuse his failure to apply directly to the Supreme Court of Illinois to review the contempt order of January 23, on the ground that since it had declined to take jurisdiction of the order of January 15, it would have been "useless" to ask it to review the later order of January 23.

Thus we see that the charge of "looting" made in petitioner's "Motion To Strike Brief in Opposition to Petition for Writ of Certiorari" is entirely baseless.

When petitioner took the Amended Order of January 23, 1945, directly to the Appellate Court, he waived all constitutional questions, which questions the Appellate Court, under the Illinois statute,* had no power to consider. *Peo-*

* Illinois Revised Statutes [1947], Chapter 110, § 199, p. 2539.

ple v. *McDonnell*, 377 Ill. 568, 569; *People* v. *Rosenthal*, 370 Ill. 244, 247; *Cherry* v. *Aetna Casualty Co.*, 372 Ill. 534, 544; *Brandtjen & Kluge, Inc.* v. *Forgue*, 299 Ill. App. 585, 589-590.

Both the Illinois Appellate and Supreme Court held that petitioner had waived any federal constitutional question, whether substantial or not, by suing out a writ of error in the Appellate Court instead of seeking direct review by the Supreme Court of Illinois. In doing so, the courts below followed a very well-settled axiom of Illinois Appellate procedure. See *People* v. *Billow*, 377 Ill. 236, 239; *Simon* v. *Reilly*, 321 Ill. 431.

Therefore, since petitioner never applied directly to the Illinois Supreme Court to review the contempt order of January 23, 1945, the present writ of certiorari should be dismissed on the authority of *Central Union Co.* v. *Edwardsville*, 269 U. S. 190. In that case this Court dismissed its writ of error for want of jurisdiction because it recognized and deferred to the Illinois procedural rule that recourse in the first instance to the Illinois Appellate Court rather than to the Illinois Supreme Court constitutes, under a permissible Illinois rule of practice, a waiver of all Federal constitutional questions. This Court held that rule to be constitutional and binding upon it and so held it had no jurisdiction to review such a case upon any federal constitutional ground.

Conclusion.

We respectfully submit that the mild punishment imposed on petitioner by the contempt order of January 23, 1945, was not a denial of due process of law under either the Federal or State Constitutions. Petitioner committed a direct contempt by filing the offending documents on

January 4, 1945. Charged with this contempt on January 8, he deliberately repeated and greatly aggravated the offense by filing his answer of January 15, 1945. His sole excuse that he was compelled by the discovery order of January 2, 1945, to file the documents under threat of punishment has been carefully weighed by both the Appellate and Supreme Courts of Illinois and has been held invalid for the simple reason that petitioner was neither required nor permitted by the discovery order to file the documents of which discovery was sought. The highest court of Illinois having held that petitioner was guilty of direct contempt, it follows that the mild punishment imposed on him was due process of law. This is true whether or not the courts below discussed in their opinions petitioner's alleged constitutional questions. Indeed, even had they done so, they could have come to no other conclusion other than the one they have come to: Petitioner was guilty of direct contempt; his excuse is no excuse; summary punishment for direct contempt is due process of law. For as this Court has wisely held in a celebrated case of direct contempt:

> ". . . Such summary vindication of the court's dignity and authority is necessary. It has always been so in the courts of the common law and the punishment imposed is due process of law" (*Cooke* v. *U. S.*, 267 U. S. 517, 534; see also *Ex Parte Terry*, 128 U. S. 289, 309.)

Of the ninety-day sentence imposed on petitioner, the Appellate Court of Illinois has remarked (Appendix "B", p. 13):

> "While we think that the punishment imposed was too mild in view of the nature of the offense, nevertheless, the judgment entered may tend to deter evil-minded persons from defiling the records of our courts."

For the reasons above set forth, we respectfully submit that this Honorable Court either dismiss the writ of certiorari for want of jurisdiction, or in the alternative, that it affirm the judgment of the Supreme Court of Illinois.

Respectfully submitted,

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APPENDIX A.

RULE 17 OF THE SUPREME COURT OF ILLINOIS (ILLINOIS REVISED STATUTES, 1947, CHAPTER 110, P. 259.17, SUB-PARAGRAPHS (8), (9)) PROVIDES:

(8) Any party may at any time move for an order directing any other party or person to show cause why he should not produce specified documents, relating to the merits of the matter in question in said cause, for inspection and to be copied or photographed, where no list of documents has been demanded or where such documents have not been listed under section 1 of this rule, or produce for inspection or to be photographed articles or property relative to the merits of the said matter, such motion to be supported by affidavits showing that such document or article is in the possession or control of the other party. On the return or hearing of the order to show cause the Court may make such order as to discovery or inspection as may be just, and, if the other party claims that the document or article is not in his possession or control he may be ordered to submit to examination in open court or by deposition regarding the locating of such document or article.

(9) The Court, on the application of any party to an action, also may enter an order requiring any other party to state by affidavit whether any one or more specific documents, to be specified in the application, is or are, or has or have at any time been in his possession or power, and if not then in his possession, when he parted with the same, and what has become thereof. Such application shall be made upon an affidavit stating that in the belief of the deponent

the party against whom the application is made has, or has at some time had, in his possession or power the document or documents specified in the application, and that they relate to the matter or matters in question in the case, or to some of them.

APPENDIX B.

People v. *Harrison Parker*, 328 Ill. App. 46.

MR. JUSTICE SCANLAN delivered the opinion of the court:

This writ of error seeks to review two separate judgment orders. In each Harrison Parker, plaintiff in error, was found guilty of a direct contempt of the trial court, and the punishment imposed was ninety days in the county jail.

Both judgment orders were entered in a suit wherein plaintiff in error (hereinafter sometimes called Parker), on December 8, 1943, sued Jacob Shamberg for slander in saying of him, "You are a blackmailer." One of the defenses interposed was that "the words complained of are true." After Parker had been granted a change of venue from Judges Prystalski, Brothers, Fisher and Miner the cause was transferred to Judge Trude.

As to the first amended judgment order, entered January 23, 1945:

This judgment order found Parker guilty of a direct contempt of the court for filing in the office of the clerk of the Circuit Court on January 4, 1945, an affidavit and certain documents attached thereto; and for filing on January 15, 1945, an answer and exhibits attached thereto. The affidavit and the documents attached thereto and the answer and the exhibits attached thereto were made a part of the judgment order.

After certain preliminary steps had been taken in the slander proceeding, Shamberg, on January 2, 1945, filed a verified motion in which he asked that an order be entered directing Parker to show cause why he should

not produce for inspection and to be copied or photographed certain documents, specifying them; that Parker be required to state by affidavit whether any of the said documents are now or have been at any time in his possession or power, and if not now in his possession or power, when he parted with the same and what has become of them. The affidavit attached to the motion alleged that the documents related to the issues in the cause. The trial court entered an order that contains the following: "First, that the plaintiff, Harrison Parker, within four days from the date hereof, show cause why he should not produce for inspection, and to be copied or photographed, the documents described in said written motion . . .," and "Second, that the plaintiff, Harrison Parker, within four days from the date hereof, state by affidavit filed in this Court whether any of the documents described in said written motion are now or at any time in the past have been in his possession or power, and if not now in his possession or power, when he parted with the same and what has become thereof." Instead of complying with the order, Parker, on January 4, 1945, filed in the office of the clerk of the court an affidavit to which were attached and made a part of it certain documents, one purporting to be a "Certified Copy of a Resolution Passed at the Joint Meeting of the Ecumenical Council of the Puritan Church of the United States and the College of Divines of the Brotherhood of the Order of St. John, Held at the Masonic Temple, 32 W. Randolph Street, on August 16th, 1943, and Amended at the Adjourned Meeting Held in Chicago on February 5, 1944"; another, purporting to be a copy of a letter of "The Puritan Church—The Church of America," addressed to "The Illinois League of Women Voters, 225 North Michigan Avenue, Chicago, Illinois," dated December 20, 1944, signed, "The Puritan Church By Harri-

son Parker, its Chancellor"; another, purporting to be a copy of a letter of said church, addressed to "The Anti-Defamation League, 100 North La Salle Street, B'Nai B'Rith, Chicago, Illinois," signed, "The Puritan Church By Harrison Parker, its Chancellor"; another, purporting to be a copy of a letter of said church, addressed to the "Hon. Francis Biddle, Attorney General of U. S. A., Washington, D. C.," dated December 26, 1944, signed, "The Puritan Church By Harrison Parker, its Chancellor"; another, purporting to be a copy of a letter of said church, addressed to "Mr. Richardson," dated December 25, 1944, and signed, "Harrison Parker". Parker states in the affidavit that when he moved his private files from 4534 Greenwood Avenue, Chicago, in November, 1944, he destroyed all of his correspondence with Messrs. Miner, Norris and Race, "along with a lot of other useless and unimportant to him letters, records, etc.," and that he has attached to his affidavit all of the requested documents which he has at present in his possession, power, custody or control.

It would unduly lengthen this opinion to state in detail all of the many wild, malignant and scandalous charges that are made in the documents attached to the affidavit, against individuals, prominent public officials, judges of the various courts of Cook County, the judges of the Appellate Court of this District, judges of the Supreme Court of the State, and a judge of the United States District Court. The charges are not confined to the living—one of those attacked has been deceased for fifty years. Women, also, are wantonly attacked. The father of the trial judge, who died a number of years ago,[1] is charged with having put through a crooked deal, by which the

[1] [A reference to the late A. S. Trude (See R. 85), the father of the trial judge, Daniel P. Trude.]

public was robbed of enormous sums of money and a certain family enriched thereby. The first document attached to the affidavit charges, *inter alia*, that Robert R. McCormick "has either influenced, intimidated or bribed a U. S. Court Judge of Chicago in Case No. 22619,[2] to issue a crooked order which enabled him to enter his best friend's home, to steal his wife and break up his friend's home"; that the public records show that McCormick either influenced, intimidated or bribed Judges Fisher and Burke in a certain case to issue crooked orders in a vain attempt to hide the fact that a certain newspaper had stolen the sum of a hundred million dollars from Cook County;[3] that the "public records show that . . . McCormick either influenced, intimidated or bribed Justices Stone, Gunn and Wilson, still sitting on the Supreme Court of Illinois, to write in case 24881[4] an opinion more crooked than any ever written by Judge Manton of Atlanta Prison, by which Cook County's legal orderly law suit to compel the Chicago Tribune to disgorge millions of dollars it has stolen from Cook County, was temporarily obstructed"; that "the public records show that . . . McCormick either influenced, intimidated or bribed the entire division of the Appellate Court of Chicago, presided over by Judge Hugo Friend, to write a crooked opinion in Case No. 39804,[5] in litigation in which McCormick and his Weymouth Kirkland had a large money interest in a crooked opinion"; that in that opinion "the honest litigant [Parker] against Kirkland

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2 [A reference to the late Judge Kenesaw M. Landis who presided in the case of *In Re Edward Adams, Bankrupt* (See R. 109).]

3 [A reference to *People ex rel. Parker* v. *Whealan*, 370 Ill. 243; *People ex rel. Parker* v. *Board of Appeals of Cook County*, 367 Ill. 559.]

4 [A reference to the decisions in the two tax cases—*People ex rel. Parker* v. *Whealan*, 370 Ill. 243; *People ex rel. Parker* v. *Board of Appeals of Cook County*, 367 Ill. 559.]

5 [A reference to the case of *Harrison Parker* v. *Weymouth Kirkland*, 298 Ill. App. 340, in which Parker was defeated in a claim of slander.]

was outraged and despoiled by the crooked opinion of a crooked judge"; that "the public records show that . . . McCormick either influenced, intimidated or bribed Judges Joseph A. Sabath[6] and John Prystalski, of the Criminal Court of Cook County in Cases 20981 and A40,[7] to 'railroad' to Joliet Prison and to the Cook County Jail, for the benefit of this unconscionable scoundrel McCormick, men whom the Supreme Court of Illinois records in cases 20981[8] and 25595[7] show to be innocent of the charges for which they were 'railroaded' "; that "by reason of the corruption by said McCormick and his crooked lawyers of all the Courts of Illinois from Eugene McGarry's Municipal Court up to and including Francis Wilson's crooked Supreme Court of Illinois, the combined money fortunes of the Medill-McCormick-Patterson family now amounts to the dangerous figure of 125 million dollars"; that "the facts and evidence of the Chicago Tribune's 100 million dollar steal from Cook County and Robert R. McCormick and Weymouth Kirkland's pollution of the entire court system of Illinois, in a vain effort to hide their crimes, is even worse than it is in the above summary of the evidence, dug from actual public records"; that for "fixing crooked judges to write crooked opinions," McCormick "should be either incarcerated in an insane asylum or taken out by a posse of indignant and robbed fellow citizens, and either shot or hanged to an oak tree"; that McCormick, his newspaper and his crooked law firm have aided in plac-

[6] [A reference to the trial judge in the case of *People* v. *Leo Brothers* in which a jury found Brothers guilty of the murder of Alfred Lingle, the verdict and judgment being upheld by the Supreme Court of Illinois in *People* v. *Leo Brothers*, 347 Ill. 530.]

[7] [A reference to the trial judge in the case of *People* v. *Parker*, 374 Ill. 524, in which Parker was sentenced to ten days for contempt of court for tampering with the Grand Jury by writing an unsolicited letter making charges about the two tax cases in which he had been twice defeated in the Supreme Court of Illinois, i. e., *People ex rel. Parker* v. *Whealan*, 370 Ill. 243; *People ex rel. Parker* v. *Board of Appeals of Cook County*, 367 Ill. 559.]

ing on the Circuit and Superior Courts of Cook County and the Appellate and Supreme Courts of Illinois judges who pass judgment on the lives and property of defenseless men and women who have no way to protect themselves "against the depravities which such scoundrels will commit under the cover of a court order and opinions"; that the Governor of Illinois, by the orders of said McCormick, has and is violating the Constitution of Illinois; that "one Werner Schroder, McCormick member from Illinois of the Republican National Committee, walks in and out of the back doors of the chambers of the crooked judges of the Supreme Court of Illinois, to make political deals for them, and with them, and . . . McCormick"; that the courts of Illinois are not open to the citizens of Illinois because of the corruption of the judges. The document purports to show that a resolution was passed by the "Ecumenical Council of the Puritan Church of the United States" that the Federal Government at Washington be petitioned to convene a federal grand jury to investigate the charges made in the document and that President Roosevelt, under his war powers, "convene a military court, and under the rules of such a court try for the crimes which they are charged with having committed against the civil liberties of the Nationals who are compelled to dwell in Illinois, the following men: Robert R. McCormick, Joseph Medill Patterson, Weymouth Kirkland, Judges Harry M. Fisher, Joseph Burke, John Prystalski, Hugo Friend, Joseph A. Sabath, and Justices Wilson, Gunn and Stone of the Supreme Court of Illinois. If found guilty, they should be taken out either by soldiers or a posse of civilians and shot, as a warning to other scoundrels, that our Federal Government will not tolerate the violation of a State Constitution, and the 'railroad' to prison or jail of innocent men by the order of crooked judges in the hire of this scoundrel, McCor-

mick." Appended to the document is an affidavit made by Parker in which he states that he was the secretary of the Joint Meetings of the Ecumenical Council of the Puritan Church of the United States, held at the Masonic Hall, 32 W. Randolph Street, Chicago, on August 16, 1943, and in Chicago on February 5, 1944; that Deacon William Ede presided; and that the document "is a true amended copy of one of the resolutions unanimously passed at said meetings." In the third document attached to the affidavit, the letter to "The Anti-Defamation League, B'Nai B'Rith," the statement is made that "by the corruption of the entire court system of Illinois from Eugene McGarry's corrupt Municipal up to and including Francis Wilson's crooked Supreme Court of Illinois," the Chicago Tribune had stolen from the State of Illinois a hundred million dollars; "that the steal was accomplished by the open notorious cowardly and illegal connivance between the Tribune Company, the owners of the Chicago Tribune, and two Jews: one Harry M. Fisher, a Judge of the Circuit Court of Cook County; and the other, Jacob Shamberg, the Assistant State's Attorney of Cook County"; that "both of these gentlemen . . . in order to gain the favor of the thief, the Chicago Tribune, had criminally sold out the State which they had been paid to protect"; that an illegal order entered by Judge Fisher in a certain case, 38-C-3209,[*] "was more crooked than any ever issued by Judge Manton of Atlanta Prison." In the letter addressed to the Attorney General of the United States the statement is made that McCormick and his crooked lawyer, Weymouth Kirkland, "have corrupted the entire [court] system of Illinois, from Eugene McGarry's Municipal up to and including Francis Wilson's crooked Supreme Court of Illinois." In the letter

[*] [Another reference by the decision of the trial court which was affirmed by the Supreme Court of Illinois in *People ex rel. Parker v. Whealan*, 379 Ill. 243.]

addressed to the Illinois League of Women Voters the charge is repeated that the Tribune has corrupted all of the courts of Illinois. While contempt proceedings against him, growing out of the filing of the affidavit and the documents attached to it, were pending, Parker filed, on January 15, 1945, an answer, in which he stated that "all of the contents of said letters, documents and papers [attached to his affidavit] are true." Attached to the answer as an exhibit is a copy of his affidavit of January 4 and all of the exhibits attached to it.

In the amended judgment order entered January 23, 1945, the trial court found. "(3) That the filing of said scurrilous affidavit and exhibits thereto, and said scurrilous answer and exhibits thereto, by said Harrison Parker constitutes an obstruction of justice and an abuse of the processes of this Court, which conduct of said Harrison Parker took place while this Court was in open session and tended to lessen the dignity and authority of this Court; (4) The Court further finds that said Harrison Parker, who is now here present in open Court, is, by reason of said conduct guilty of direct contempt of this Court." The sentence then follows.

When the order of January 2, 1945, was entered, Parker, after stating to the trial court that he had no objection to the entry of the order if the court wished to enter it, said, "I will have a nice answer; one that the town will be glad to have on record." The record justifies the conclusion that Parker desired publicity for his infamous charges and that in furtherance of that desire he filed the pleading and documents, so that the records of the courts would contain his charges. In the documents and pleading filed by Parker he is pictured as a man of great ability and force, but after a careful consideration of the many wild charges and statements contained in the documents

and pleading we concluded that if there had been interposed in the trial court the defense that Parker was not of sound mind when he filed the documents and pleading, such a defense would have required serious consideration by the trial court and this court, but the record shows that no such defense was made and, therefore, for the purposes of this writ of error, we are obliged to presume that Parker was of sound mind when he committed the contempt of court for which he was punished.

[1] A number of so-called constitutional questions are raised by Parker. He sued out from this court the instant writ of error to review the two judgment orders finding him guilty of contempt. "The rule has long been settled that if a case is taken to the Appellate Court *and errors are asigned of which that court has jurisdiction,* the party taking the appeal or suing out the writ of error is deemed to have waived all constitutional questions involved. (*People* v. *Terrill,* 362 Ill. 61; *People* v. *Rosenthal,* 370 *id.* 244.) This eliminates from consideration the constitutional questions raised by plaintiff in error." (*People* v. *Billow,* 377 Ill. 236, 239. Italics ours.) After Shamberg raised the point in his brief that Parker had waived all constitutional questions by suing out a writ of error from this court, Parker, in his reply brief, asserts that he has not and does not waive any of the constitutional questions, and that "if Parker has appealed to the wrong forum, that can be remedied by a motion to transfer it to the proper forum. And the Appellate Court has a duty, not to proceed to judgment, but to transfer the cause, and may do so, on its own motion. (*Schmidt* v. *Barr,* 328 Ill. 365.)" Parker contends that under Section 86 of the Practice Act (ch. 110, par. 210, Ill. Rev. Stat. 1945 [Jones Ill. Stats. Ann. 104.086]) and Rule 47 of the Supreme Court of Illinois it is our duty to transfer the cause to the Supreme

Court. That section and that rule apply to cases brought to this court where we have no jurisdiction to entertain any of the issues raised on an appeal or writ of error. *Schmidt* v. *Barr, supra*, cited by Parker, is a case in point. There a freehold was involved, and it was held that as the Appellate Court had no jurisdiction of such a case it was the duty of the court to transfer the cause to the Supreme Court. But in the instant case Parker, by suing out a writ of error from this court, waived all constitutional questions that might be involved, *as his brief assigns a number of errors of which this court has jurisdiction*, and it is our right and duty to determine the merits of the instant writ of error.

[2, 3] There are certain settled principles of law that govern us in the consideration of this writ of error. "The only matter that can properly be considered on such a review is the order of the court adjudging the party to be in contempt. *People* v. *Hogan*, 256 Ill. 496; *People* v. *Gard*, 259 Ill. 238; *Kneisel* v. *Ursus Motor Co.*, 316 Ill. 336; *People* v. *Rockola*, 346 Ill. 27; *People* v. *Andalman*, 346 Ill. 149; *People* v. *Saylor*, 238 Ill. App. 142; *Tunnell* v. *People ex rel. Miller*, 253 Ill. App. 422; *Whitten* v. *State*, 36 Ind. 196; *Ex Parte Terry*, 128 U. S. 289." (*People ex rel. Bain* v. *Feinberg*, 266 Ill. App. 306, 308.) "A contempt committed in any place set apart for the use of any constituent part of the court during the session of the court is committed in the presence of the court and any conduct constituting a contempt in the presence of any one of the constituent parts of the court while engaged in the business devolved upon it by law is a contempt committed in the immediate presence of the court. (*People* v. *Cochrane*, 307 Ill. 126.)" (*People* v. *Andalman*, 346 Ill. 149, 153.) These settled principles of law determine several contentions raised by Parker, and adversely to him.

It is contended that "there can be no defamation when the matters published are true and of public concern"; that "Parker denies that the truth, as set forth in the five exhibits, constitute either an obstruction of justice or an abuse of the processes of the court. If they are true, how can they be an obstruction of justice? If they are true, how can they be an abuse of the processes of the Circuit Court? *Nothing in the record contraverts the truth of Exhibits A, B, C, D and E, the finding and order of the Honorable Daniel P. Trude to the contrary notwithstanding. They are still true.* And can Parker be charged with responsibility for what the Puritan Church did?" (Italics ours.) In support of his argument Parker cites *Storey* v. *People*, 79 Ill. 45, which case has no application to the instant proceedings. (See *People* v. *Sherwin*, 334 Ill. 609, 613.) Parker further contends that before the trial court could find him guilty of contempt it would have to hear evidence to determine the truth or falsity of the charges made and would then have to find that the charges were false before it could adjudge him guilty of contempt. It would seem hardly necessary to state that no authority is cited that supports this contention.

[4, 5] "Any act which is calculated to embarrass, hinder or obstruct the court in the administration of justice or to lessen its authority or dignity is a contempt. (*People* v. *Cochrane*, 307 Ill. 126.) Contempt may be committed by incorporating impertinent, scandalous, insulting or contemptuous language reflecting on the integrity of the court in pleadings, motions and notice of motions. (13 Corpus Juris, 31, 32.) In *Lamberson* v. *Superior Court*, 151 Cal. 458, 91 Pac. 100, an attorney was held guilty of contempt of court in filing an affidavit in support of a motion for change of venue from the judge, alleging that in a former trial of the case the judge willfully made errone-

ous rulings on the admission of evidence and gave erroneous instructions to the jury because of ill-will toward and hatred of the party making the application. In *McCormick* v. *Sheridan*, 20 Pac. (Cal.) 24, an attorney was held guilty of contempt in filing a petition for rehearing in which the good faith and sincerity of the commissioner who had written the opinion adopted by the court was attached. In *In re Dunn*, 85 Neb. 606, 124 N. W. 120, an attorney was held guilty of contempt of court in filing a petition for rehearing containing contemptuous and insolent language. . . . The disclaimer by plaintiff in error of any intentional disrespect to the court or any design to embarrass the administration of justice would have been of no avail, since his meaning and intent must be determined from the words used in his petition. (*People* v. *Wilson*, *supra* [64 Ill. 195].) In direct contempt committed in the presence of the court there is no need of evidence to prove what is already manifest. (*Hohenadel* v. *Steele*, 237 Ill. 229.) Whatever may have been the motive of plaintiff in error in using the language which was used in the petition filed by him, the use of such language was improper and constituted a direct contempt of the court in which such petition was filed, and the circuit court did not err in so finding." (*People* v. *Sherwin*, *supra*, 615, 616, 618.) In this last case it is stated (p. 618) that an answer that the charges made were true would not purge the defendant of contempt. The trial judge in the instant case would have been a fit subject for ridicule had he followed the practice that Parker insists was necessary.

[6] Parker contends that the charges contained in the documents filed were made by the Puritan Church and that he cannot be held responsible for the acts of that church. It is a sufficient answer to this idle contention to say that

he has been found guilty of direct contempt for *filing* the documents in the office of the clerk of the court.

We find no merit in several other contentions raised by Parker.

While we think that the punishment imposed was too mild in view of the nature of the offense, nevertheless, the judgment entered may tend to deter evil-minded persons from defiling the records of our courts.

We cannot allow certain conduct of the attorney for Parker to pass without condemnation. In the brief he filed in behalf of Parker he has seen fit to assert a number of times that all of the charges made by Parker are true. In the early part of our opinion we stated some of the infamous charges that are contained in a purported copy of a resolution passed at the joint meetings of the Puritan Church in Chicago on August 16, 1943, and on February 5, 1944. Referring to these charges, this attorney states: "It [Exhibit A] recites facts, which though deplorable, are nonetheless true, and as such, they are the basis upon which the Federal Government is urged to bring its power to bear so that 'republican form of government' can be re-established in Illinois." In commenting upon the exhibits attached to the affidavit filed by Parker on January 4, 1945, this attorney states: "If these exhibits are true, and they have never been proved otherwise, how can they be what the defendant, Shamberg, and Tribune lawyers have stated them to be? Neither the Tribune lawyers nor anyone else can make the truth anything but the truth, even though the necessity be ever so urgent. Can the mere statements of Shamberg and his Tribune lawyers override the laws of Illinois, the Constitution of the State of Illinois, and the Constitution of the United States, in addition to the truth? How can the power of contempt be

superior to the truth? Can the power of contempt be used as a bludgeon? If contempt is equal or superior to the truth, then it can be used to squelch, choke off and destroy the truth, but the history of the world proves that such is impossible not only in theory, but in practice any rulings of the Honorable Daniel P. Trude to the contrary notwithstanding." Other statements akin to the foregoing are also made in the brief. Thus it appears that the attorney sustains the infamous charges made by Parker against all of the courts of Illinois. It is our considered judgment that when Arthur Frankel, the attorney in question and an officer of this court, filed the brief for Parker in this court he was guilty of conduct far more reprehensible than that of Parker in filing the affidavit and the documents on January 4, 1945, and the answer on January 15, 1945.

[7, 8] "The lawyer's duty is of a double character. He owes to his client the duty of fidelity, but he also owes the duty of good faith and honorable dealing to the judicial tribunals before whom he practices his profession. He is an officer of the court—a minister in the temple of justice." (*People* v. *Beattie*, 137 Ill. 553, 574. See, also, *People* v. *Barrios*, 237 Ill. 527, 540.) "The obligation which attorneys assume when they are admitted to the bar is not merely to be obedient to the constitution and laws, but to maintain at all times the respect due to the courts of justice and judicial officers." (6 C. J. 594, Attorney and Client Sec. 54.)

Attorney Frankel was false to his obligations as an attorney when he filed the brief in question, and he has proven, out of his own mouth, that he is not fit to serve as "a minister in the temple of justice."

The first amended judgment order entered January 23, 1945, is affirmed.

As to the second contempt order, entered against Parker on January 23:

On January 15, 1945, eleven days after Parker had filed the affidavit and documents attached thereto, Shamberg filed in the slander proceedings a very long verified petition. It prays for an order directing Parker to show cause why he should not be punished for contempt of court for committing certain acts alleged in the petition. The petition is an anomalous pleading, and was clearly vulnerable to attack by apt pleadings. As Parker was found guilty of the second direct contempt because of certain statements in his answer to the petition, it is unnecessary for us to state all of the averments of the petition. In his brief Shamberg describes the petition as "a sworn petition asking for a rule on Parker to show cause why he should not be punished for other and further contempts, some *indirect*." We deem it necessary, however, to state the following averments in the petition:

"Said Parker has stated under oath that said so-called 'Puritan Church' and said 'Brotherhood of The Ancient Order of St. John' have made plans to hang and murder numerous citizens and public officials, including the Governor of Illinois, several judges of the Supreme Court of Illinois, the Appellate Court of Illinois, and the Circuit and Superior Courts. Said Parker, in his deposition heretofore taken, identified letters he had written threatening to commit the abovementioned murders, which letters he had signed 'Puritan Chuch—by Harrison Parker.' It was, therefore, alleged by and on behalf of this defendant in the divers petitions (filed to procure subpoenas), that said so-called 'Puritan Church' was either in con-

spiracy with said Parker to commit extortion by threatening to commit the above-mentioned murderers, or else was merely a sham devised by said Parker in an attempt to surround his attempted extortion and blackmail with an odor of sanctity.

"Said Parker, in resisting said petitions, and all other attempts to ascertain by deposition and in open court the identity and whereabouts of the persons he pretended composed said so-called 'Puritan Church' and said so-called 'Brotherhood of The Ancient Order of St. John,' stated under oath, both in the taking of his own and other depositions, and also in open court, on numerous occasions, that said so-called 'Puritan Church' and said so-called 'Brotherhood of The Ancient Order of St. John' had three 'trustees', one Conrad Miner, one Charles Norris, and one Homer Race, but that he did not know the whereabouts or residence of any of these three supposed 'trustees.'

"Defendant [Shamberg] was and is still seeking to procure the testimony of said three supposed 'trustees', Miner, Norris and Race, for the purpose of showing either that said so-called 'Puritan Church' and said so-called 'Brotherhood of The Ancient Order of St. John' were either in conspiracy with said Parker to commit the crime of extortion by threatening to commit the above described murders, or else were merely shams and fraudulent devices designed by said Parker, in an attempt to surround his attempted extortion and blackmailing with an odor of sanctity." The petition also avers that in one of the preliminary hearings in the slander suit after Parker had made a certain statement to the trial court Shamberg's attorney stated to the court: "This man [Parker] is very slippery," and they desire to have him make the statement under oath.

The prayer of the petition is: "(1) An order be entered directing said Parker to show cause why he should not be punished for contempt of court *first,* for obstructing justice by destroying the above mentioned records of said so-called 'Puritan Church' and said so-called 'Brotherhood of the Ancient Order of St. John' and said correspondence between said Parker and said Miner, Norris and Race while the same were being sought as evidence material to the merits of the matter in question in this cause; *second,* for obstructing justice by committing perjury by knowingly falsely swearing in open court on December 4, 1944, and on January 2, 1945, that all of said records were then in Canada; and *third,* for obstructing justice by committing perjury by knowingly falsely swearing in his said affidavit of January 4, 1945, that he had never heard of and never had any connection with the so-called 'Puritan Church Committee to Aid in Driving the Hoodlums, the Assassins and the Blackmailers out of the Control of Labor Unions, out of the Control of the Legal Profession, out of the Control of Journalism, and out of the Control of Politics—Conrad Miner, Charles Norris, Harrison Parker, Chairman.' (2) Petitioner likewise prays that said Harrison Parker be ordered to answer this petition under oath within a short day to be fixed by the Court." The trial court ruled that Parker should answer the petition.

When Shamberg's petition is considered in the light of the fact that Parker had demanded a jury trial in the slander case, it seems reasonably clear that the trial court should not have ruled Parker to answer the petition, as the evident purpose of that pleading was to have the trial court prejudge facts that Parker insisted should be submitted to a jury. Parker's answer to the petition takes

up a great many pages of the record. After the answer had been filed the trial court entered the following judgment order:

"ORDER

"THIS CAUSE COMING ON TO BE HEARD upon the sworn petition of defendant, Jacob Shamberg, filed by leave of court on January 15, 1945, while the cause of 'Harrison Parker, Plaintiff vs. Jacob Shamberg, Defendant, No. 43C-13381' was still pending before this court, *for an order requiring said Parker to show cause why he should not be punished for criminal contempt of court* by reason of the matters and things in said petition alleged, and upon Harrison Parker's answer thereto filed on January 22, 1945;

"THE COURT FINDS:

"(1) The Court has jurisdiction of the parties and of the subject matter hereof;

"(2) That on January 15, 1945, a sworn petition was filed on behalf of the Defendant, Jacob Shamberg, in the case of 'Harrison Parker, Plaintiff vs. Jacob Shamberg, Defendant, No. 43C-13381,' *which sworn petition charged said Harrison Parker with criminal contempt of court* by reason of the matters and things therein alleged;

"(3) That on January 15, 1945, an order was entered by this Court, requiring the said Harrison Parker to show cause by Friday, January 19, 1945 *why he should not be punished for criminal contempt of court by reason of the matters and things set forth in said petition* filed on behalf of said Jacob Shamberg;

"(4) . . .

"(5) That on Monday, January 22, 1945 said Parker filed in the office of the Clerk of the Circuit Court of Cook County his 'Answer to Petition for Rule to Show Cause,'

a true and photostatic copy of which Answer is attached hereto, incorporated herein, and made a part hereof, and marked 'Exhibit A' hereto;

"(6) That said 'Answer to Petition for Rule to Show Cause,' so filed by said Harrison Parker on January 22, 1945 which answer is attached hereto, incorporated herein, made a part hereof, and marked 'Exhibit A' hereto, *does not purge said Parker of the criminal contempt charged in said sworn petition filed on behalf of said Shamberg on January 15, 1945;*

"(7) That in said 'Answer to Petition for Rule to Show Cause,' so filed by said Parker on January 22, 1945 said Parker has affirmatively set forth scurrilous, scandalous, defamatory, immaterial matter, which constitutes an obstruction of justice and an abuse of the processes of this court, and which conduct of said Harrison Parker took place while this court was in open session and tended to lessen the dignity and authority of this court;

"(8) THE COURT FURTHER FINDS that said Harrison Parker, who is now here present in open court, is, by reason of said conduct, guilty of direct criminal contempt of this court;

"WHEREFORE, THE PREMISES CONSIDERED;

"IT IS ORDERED AND ADJUDGED that said 'Answer to Petition for Rule to Show Cause,' heretofore filed by said Parker in the office of the Clerk of this court on January 22, 1945 which is attached hereto, incorporated herein, made a part hereof, and marked 'Exhibit A' hereto, be, and the same is hereby attached hereto, incorporated herein, made a part hereof and marked 'Exhibit A' hereto with the same force and effect as if the same were set forth in full in the body of this order; and

[A] "IT IS FURTHER ORDERED AND ADJUDGED that said Rule to Show Cause heretofore issued by this court on January 15, 1945 requiring Harrison Parker to show cause why he should not be punished for contempt of court by reason of having committed the acts set forth in said petition heretofore filed on behalf of said Jacob Shamberg on January 14, 1945, in the case entitled Harrison Parker, Plaintiff, vs. Jacob Shamberg, Defendant, No. 43C-13381, be and the same is hereby made absolute; and

[B] "IT IS FURTHER ORDERED AND ADJUDGED that said Harrison Parker was and is hereby adjudicated guilty of and in direct criminal contempt of this court by reason of his having affirmatively set forth the scurrilous, scandalous, defamatory and immaterial matters set forth by him in said 'Answer to Petition for Rule to Show Cause,' heretofore filed by said Harrison Parker in the office of the Clerk of this Court on January 22, 1945; and

"IT IS FURTHER ORDERED AND ADJUDGED that said Harrison Parker stand committed to and be confined in the County Jail in said County of Cook and State of Illinois for ninety (90) days; . . ." (Italics ours.)

This order shows that the trial court thought that the petition of Shamberg charged Parker with "direct criminal contempt" of court, whereas it merely asked for a rule upon Parker to answer the petition; that the trial court thought that the order be entered required Parker to show cause why he should not be punished for criminal contempt of court, whereas the order merely required Parker to answer the petition filed by Shamberg. The court, in paragraph (6) of his judgment order, held that Parker by his answer did not purge himself "of the criminal contempt charged in said sworn petition filed on behalf of said Shamberg." Shamberg admits in his brief, as he must,

that his petition charges only indirect contempts, and that Parker could not be punished, under the petition, for destroying records out of the presence of the court, or for committing perjury in the presence of the court. Shamberg is compelled to rely, for an affirmance of the judgment order, upon that part of the order that we have designated as "[B]", wherein the court adjudges that Parker was guilty of direct criminal contempt of the court by reason of "scurrilous, scandalous, defamatory and immaterial matters set forth by him in said 'Answer to Petition for Rule to Show Cause.'" The court does not designate the part or parts of Parker's answer that are "scurrilous, scandalous, defamatory and immaterial," but Shamberg, in his brief, relies upon that part of Parker's answer wherein he charges that in the petition for rule to show cause one of Shamberg's counsel had "knowingly and recklessly perjured himself," and had taken "reckless liberties with the orderly processes of the law"; also upon the following paragraph of Parker's answer: "Two: That this Honorable Court, upon its own motion, examine into the conduct, herein set forth of said petitioner, Jacob Shamberg, and of his said counsel, Kirkland, Fleming, Green, Martin & Ellis, attorneys, and particularly said J. B. Martineau, Jr., for any improper conduct of which they are or any of them may be found guilty, particularly for their presuming to contrive to have one judge of this Honorable Court overrule the rulings of another judge of the Honorable Court, against the dignity of this court, and for committing perjury by swearing knowingly and falsely to certain petitions and motions filed herein by them or either of them; that in the event that they or any of them be found guilty, that they be punished accordingly, forthwith."

[9] When Shamberg filed the instant petition Parker had already filed the documents and pleading, thereby committing the contempt for which he was punished in the first amended judgment order, and in one of the documents Shamberg, *an assistant State's attorney*, was charged with selling out the State of Illinois and conniving with a thief, so that the latter was enabled to steal one million dollars from the State of Illinois. It is a reasonable assumption that when Shamberg filed his petition he was justly incensed at Parker because of that charge. In determining whether any statements in Parker's answer constitute direct contempt of court it must also be noted that Shamberg in his petition for a rule made many serious charges against Parker. The latter undoubtedly had the right to answer these charges and to make counter-charges. The petition is a highly provocative pleading, and Shamberg probably intended that it should have that effect. There is some force in the contention of Parker that the petition was designed to provoke him into making some answer or statement that would subject him to criminal prosecution or contempt proceedings. There is also force in Parker's argument that if the statements he made in his answer, upon which Shamberg now relies, constitute contempt of court, why did not the many charges made against Parker in the petition also constitute contempt of court? We do not think that the statement made by Parker in his answer wherein he asks the court to examine into the conduct of Shamberg and his counsel constitutes contempt of court, as Parker had as much right to ask the trial court to inquire into the conduct of Shamberg and his counsel as Shamberg had to ask the court to inquire into certain conduct of Parker. Shamberg contends, rather feebly, that certain parts of Parker's answer attack the trial court, and cites in support of the con-

tention, "(*Add. A. 158-192*)." We do not think that any statement contained in that part of Parker's answer justifies the instant contempt judgment. The petition bitterly attacks the so-called Puritan Church, and Parker in his answer defends the church from the attacks and insists that under the constitution the courts have no right to interfere with the conduct of churches. He states in the answer that Judge Harrington, when the matter was before him, refused to aid Shamberg in his attempts to inquire into the membership and conduct of that church, and that Shamberg in his petition is seeking to have Judge Trude overrule Judge Harrington, but that statement did not constitute direct contempt of court. We think that when the statements made by Parker in his answer are considered in the light of the serious charges that were made against Parker and the Puritan Church in the petition, the answer seems to be a fairly temperate pleading. We have reached the conclusion that the trial court erred in entering the second judgment order, finding Parker guilty of a direct criminal contempt.

The amended judgment order of the Circuit court of Cook county, entered January 23, 1945, finding Harrison Parker guilty of direct contempt, is affirmed. The second judgment order of the Circuit court of Cook county, entered January 23, 1945, finding Harrison Parker guilty of direct criminal contempt of court, is reversed.

Amended judgment order of the circuit court of Cook county entered January 23, 1945, finding Harrison Parker guilty of direct contempt, affirmed. Second judgment order of the Circuit court of Cook county entered January 23, 1945, finding Harrison Parker guilty of direct criminal contempt of court, reversed.

FRIENT, P. J., and SULLIVAN, J., concur.

APPENDIX C.

At a Term of the Appellate Court, Begun and held at Chicago, on Tuesday, the Second day of December, in the year of our Lord One Thousand Nine Hundred and Forty-Seven, within and for the First District of the State of Illinois.

Present Hon. Grover C. Niemeyer, Presiding Justice.

Present Hon. Michael Feinberg, Justice.

Present Hon. John M. O'Connor, Justice.

Sheldon W. Govier, Clerk. Elmer M. Walsh, Sheriff.

People of the State of Illinois, *Defendant in Error,*	
No. 43372 *vs.*	Appeal from Error to Cook County.
Harrison Parker, *Plaintiff in Error.*	

Be It Remembered, That on the 4th day of October, A. D. 1945, it being one of the days of the October Term, A. D. 1945, there was filed in the Office of the Clerk of said Appellate Court the Reply Brief for Plaintiff in Error, and on the cover and on pages Nos. 33 and 38 of said Reply Brief there is incorporated the following words and figures following, to-wit:

Here, again, the State's Attorney has mis-stated the patent facts. These we have dealt with adequately in our brief Point IX, pages 42 to 47. Of a certainty, the phrase, "amplification consisting of the physical inclusion of the atrocious affidavit and answer," is not true and does not square with the facts as a side-by-side comparison of those two orders will reveal.

The fact is that the order of January 23 was an entirely new and different order instead of, what the State's Attorney glibly refers to as, "an amplification."

The balance of that paragraph of the State's Attorney's brief can be answered with the statement that the law does not require useless acts. If the State's Attorney's position is true that the orders are identical, then certainly, having applied to the Supreme Court on the first order, it would be useless for Parker to apply to the Supreme Court for a review of the second order, which, the State insists, is so like the first.

The balance of that paragraph is not worthy either of the State's Attorney, nor of any heed.

"The second contempt order" (page 29).

Since this review deals with direct contempts, there is no reason whatsoever for the State's Attorney to mention "indirect" contempts, unless it be, either that he is confused, or that he is attempting to confuse, or that he is attempting to prejudice Parker.

Additionally, so long as we are not concerned with the charge (a) whether or not Parker did destroy any "records sought as evidence," which, of course, is not true and has not been proved true; and (b) "committing perjury," there is no purpose of the State's

"No Constitutional Questions are or can be involved in this review." (page 24)

> "First, Parker has waived all constitutional questions by suing out a writ of error to this Court * * * but the fact remains that by taking his case directly to this Court, Parker has waived all constitutional questions which this Court, under statute, has no jurisdiction to consider."

This is a questionable statement of the pertinent law. In no manner has Parker waived any questions that might arise under the Federal Constitution. It might be that the State's Attorney has reference to the Constitution of Illinois, but he has not said so, specifically. His position is taken, we will assume, with reference to the State Constitution. Even if his statement is true, which it is not, it must be pointed out that Parker first applied to the Supreme Court of Illinois for a review of the first, original and typical order. The Supreme Court claimed that it had no jurisdiction. If this be true, and the State says one is an amplification of the other, the Supreme Court should not take jurisdiction of the second contempt order, if it refused on the first. For the "amended" order is merely an "amplification." (See State's brief, page 20);

Additionally, under the Practice Act of the State of Illinois, Section 86, and Rule 47 of the Supreme Court of Illinois, if Parker has appealed to the wrong forum, that can be remedied by a motion to transfer it to the proper forum. And the Appellate Court has a duty, not to proceed to judgment, but to transfer the cause, and may do so, on its own motion. (*Schmidt* v. *Burr*, 328 Ill. 365). Therefore, it is not true, as the State's Attorney has stated, that no constitutional questions are or can be involved in this review. And, let us not overlook the Federal Constitution, which says:

I, Sheldon W. Govier, Clerk of the Appellate Court, in and for the First District of the State of Illinois, and keeper of the records, files and seal thereof, Do Hereby Certify, That the foregoing is a true copy of the cover and pages Nos. 33 and 38 of the Reply Brief for Plaintiff in Error filed in said Appellate Court in the above entitled cause, of record in my office.

In Testimony Whereof, I have set my hand and affixed the seal of the said Appellate Court, at Chicago, this 30th day of January, in the year of our Lord one thousand nine hundred and Forty-Eight.

SHELDON W. GOVIER,
Clerk of the Appellate Court of the First District, Illinois.

(Seal)

At a Term of the Appellate Court, Begun and held at Chicago, on Tuesday, the Second day of December, in the year of our Lord One Thousand Nine Hundred and Forty-Seven, within and for the First District of the State of Illinois.

Present Hon. Grover C. Niemeyer, Presiding Justice.

Present Hon. Michael Feinberg, Justice.

Present Hon. John M. O'Connor, Justice.

Sheldon W. Govier, Clerk. Elmer M. Walsh, Sheriff.

People of the State of Illinois,
Defendant in Error,

No. 43372 *vs.*

Harrison Parker,
Plaintiff in Error.

Appeal from
Error to Cook County.

Be It Remembered, That on the 29th day of May, A. D. 1945, it being one of the days of the April Term, A. D. 1945, there was filed in the Office of the Clerk of said Appellate Court the Brief and Argument for Plaintiff in Error in said cause, and on the cover and on pages 3 and 11 of said Brief and Argument there is incorporated the following words and figures, to-wit:

3

no concern with the Puritan Church. However, Shamberg instead of confining himself thereto, illegally and improperly sought to draw in the Puritan Church. In doing so, he recklessly, and with no basis in fact, and with none in law, and certainly without regard to materiality, charged Parker with a "scheme to insult, defame, scandalize and blackmail certain persons and firms." Parker, being required by the Court to answer these charges, was forced thereby, in his own defense to assert that which is true: that Shamberg and his Tribune lawyers have for years been engaged in just that against Parker and those with him.

The Court instead of examining into the truth of Parker's allegations, and inquiring into that which was brought before it by the recklessness of Shamberg and his Tribune lawyers, ignored it, deprived Parker of any right to defend himself from the continuation of the scheme of Shamberg and his Tribune lawyers, and found Parker guilty of contempt and sentenced him to ninety days in jail.

Thereafter, when a review of this order had been denied by the Supreme Court of Illinois, the Court illegally again took jurisdiction and entered an amended order, giving Parker another ninety days in jail.

After that, another motion was filed by Shamberg to again hold Parker in contempt of court. Yet, despite a full and sufficient answer thereto, Parker was given another ninety days in jail.

Theory of Defendant in Error.

We are unable to evolve any theory that would support the orders herein against Parker, and at the same time, not effect a miscarriage of justice.

Shamberg and his Tribune lawyers had been guilty for a long time prior thereto of that precise charge which they had so recklessly made against him.

Thereupon, the Court found that Parker was guilty of direct contempt of court and sentenced him to ninety days in jail. At the same time, on Shamberg's motion, the suit was dismissed "on its merits."

Parker then moved the Supreme Court of Illinois to grant him a writ of error and that it be made a supersedeas. It refused to take jurisdiction of his matter. That same day, the Court entered another and ampler order again sentencing Parker to ninety days in jail for direct contempt of court.

Again Shamberg moved for a rule on Parker to show cause why he should not be punished for contempt of court. In Parker's answer thereto, he set forth ample and sufficient grounds and facts to entitle him to be purged of any contempt and be discharged thereon. However, the Court instead found him guilty of direct criminal contempt and sentenced him to serve another ninety days in the County Jail.

I.

The proceedings of the trial Court are an attempt to defeat and to deny the God-given rights of all men.

It is axiomatic that nothing exists by itself. It is axiomatic that everything exists in relation to other things. It follows that to be understood, a matter cannot be understood by itself, and also that it can only be understood in relation to other things. If we consider this matter as concerned only with papers filed, words spoken ond orders entered, we miss the entire point and reason for this review, for none of these exist by themselves, but exist in relation to all that which pre-

I, Sheldon W. Govier, Clerk of the Appellate Court, in and for the First District of the State of Illinois, and keeper of the records, files and seal thereof, Do Hereby Certify, That the foregoing is a true copy of the cover and pages Nos. 3 and 11 of the Brief and Argument for Plaintiff in Error filed in said Appellate Court in the above entitled cause, of record in my office.

In Testimony Whereof, I have set my hand and affixed the seal of the said Appellate Court, at Chicago, this 30th day of January, in the year of our Lord one thousand nine hundred and Forty-Eight.

SHELDON W. GOVIER,
Clerk of the Appellate Court of the First District, Illinois.

(Seal)

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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947

No. 270

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

MOTION FOR LEAVE TO FILE CERTIFIED TRANSCRIPTS OF TWO PAGES OF PETITIONER'S BRIEF IN THE APPELLATE COURT OF ILLINOIS, WHICH PAGES INCLUDE ADMISSIONS CONTRADICTING PETITIONER'S PRESENT ASSERTIONS AND SUGGESTIONS IN SUPPORT OF THE MOTION.

GEORGE F. BARRETT,
Attorney General of the State of Illinois,
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Chicago 4, Illinois,
Attorney for Respondent.

WILLIAM C. WINES,
Assistant Attorney General,
Of Counsel.

Printed by Authority of the State of Illinois.

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Respondent respectfully moves this Court, for the reasons set forth in the Suggestions accompanying this Motion, for leave to file, under printed cover captioned "Appendix C to Brief of the People of the State of Illinois, Respondent", copies duly certified by the clerk of the Appellate Court of the State of Illinois for the First District of two pages of petitioner's brief in that court.

As appears by the Suggestions in support of this Motion, those two pages contradict important but false statements made by petitioner here.

The certified copies sought to be filed accompany but are bound separately from this Motion.

GEORGE F. BARRETT,
Attorney General of the State of Illinois,
Attorney for Respondent.

SUGGESTIONS IN SUPPORT OF THE MOTION.

Since the filing of the transcript and of respondent's original Brief in Opposition to Petition for Writ of Certiorari, petitioner has filed in this court his "Motion to Strike Brief in Opposition to Petition for Writ of Certiorari."

In an affidavit accompanying that Motion, petitioner charges that "the archives of the Supreme Court of Illinois have been looted by adverse interests of documents important in the above entitled cause." His brief and affidavit are so written as falsely to indicate that he sought but was denied a writ of error from the Supreme Court of Illinois to review the amended order adjudging him guilty of contempt and imposing sentence.

But it appears from statements made in his brief in the Appellate Court that the writ of error to which he refers was *not* a writ of error to review the presently standing amended order at all. It was, on the contrary, a writ of error to review a judgment which has been superseded by the presently standing amended order.

Respondent made no effort to have these statements from petitioner's brief in the Appellate Court incorporated in the original transcript of the record in this Court because the Attoreny General did not anticipate that "adverse interests" would be accused of "looting" the "archives of the Supreme Court of Illinois."

In view of these charges and of the misconstruction which it is evident that petitioner intends to impress upon the record in his oral argument, the importance of certifying to this Court a transcript of petitioner's above mentioned concessions becomes clear.

The two pages in question from petitioner's brief in the Appellate Court have been photostated and their authenticity has been certified by the Clerk of that court. They have been folded and enclosed in a printed blue cover under the title of this cause and captioned "Appendix C to Brief of the People of the State of Illinois, Respondent."

For the reasons set forth in the foregoing Suggestions, we respectfully ask this Court to grant this motion.

Respectfully submitted,

GEORGE F. BARRETT,
Attorney General of the State of Illinois,
208 South La Salle St., Chicago 4, Ill.
Attorney for Respondent.

WILLIAM C. WINES,
Assistant Attorney General,
Of Counsel.

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HARRISON PARKER,

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vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

MOTION TO THE SUPREME COURT OF THE UNITED STATES TO STAY THE MANDATE IN THE ABOVE ENTITLED CAUSE UNTIL THE PETITION FOR A REHEARING SHALL HAVE BEEN DISPOSED OF.

HARRISON PARKER,
Pro Se.

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 270

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

MOTION TO THE SUPREME COURT OF THE UNITED STATES TO STAY THE MANDATE IN THE ABOVE ENTITLED CAUSE UNTIL THE PETITION FOR A REHEARING SHALL HAVE BEEN DISPOSED OF.

May It Please The Court:

The petitioner, Harrison Parker, respectfully shows to this Honorable Court:

That he is the petitioner in the above entitled cause;

That he has filed with the Clerk of the Supreme Court of the United States within twenty-five days from the issue of the opinion of this Court in the above entitled cause, dated April 5, 1948, a petition for a rehearing.

That the mandate in the above entitled cause will issue from this Honorable Court on April 30, 1948, twenty-five days from its opinion in the above entitled cause, dated April 5, 1948, unless it shall be stayed by an order of this Honorable Court:

Therefore, this petitioner prays that this Honorable Court will enter an order staying the mandate in the above entitled cause, until the petition for a rehearing shall have been disposed of by this Court.

Respectfully submitted,

HARRISON PARKER,

Pro Se.

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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 270.

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

On Writ of Certiorari to The Supreme Court of the State of Illinois.

PETITION FOR REHEARING.

HARRISON PARKER,
Pro Se.

ALLAN R. BLOCH,
Of Counsel.

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

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PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

On Writ of Certiorari to The Supreme Court of the State of Illinois.

PETITION FOR REHEARING.

To the Honorable Justices of the Said Court:

Comes now, Harrison Parker, petitioner herein, and presents this, his petition for a rehearing of the above entitled cause, and in support thereof,

I.

petitioner respectfully urges the Court to re-examine the basis of its decision, namely that, to preserve the constitutional questions involved, petitioner should have gone again to the Supreme Court of Illinois with the amended order of January 23rd. The difficulty is that the law of Illinois did not permit this course. This procedure was not only not open and unobstructed, but three barriers stood in petitioner's path.

First, the amended order was not an appealable order to the Supreme Court of Illinois. The amended order, merely making ministerial or procedural changes in the original order of January 15th, brings it within the principles of *Murphy* v. *The People,* 207 Ill. 337, wherein on Page 339, the Court said:

> "An order made subsequent to a judgment may be final and appealable where it changes or sets aside a judgment or affects the substantial rights of the parties in its enforcement, but nothing of that kind has been done in this case. It does not even appear that in any pending or future proceeding the rights or interests of the plaintiff in error can be in any manner affected by the amendment.
>
> We are of the opinion that the order of the county court is not such a final judgment as can be reviewed upon a writ of error, and the writ is therefore dismissed."

Secondly, the law of Illinois penalizes frivolous appeals and such a course as suggested by this Court has already been censored by the Supreme Court of Illinois in *West Chicago St. Railroad Co.* v. *Nash,* 166 Ill. 528, wherein the Court said on Page 529:

> "A motion has been made in this court by appellee to affirm the judgment in whole, and to allow appellee, in addition to costs, ten per cent on the amount of the judgment attempted to be reversed, under Section 23

of Chapter 33 of the Revised Statutes, on the ground that it appears that the appeal was prosecuted for delay. This motion must be sustained. The only question raised or discussed by appellant that we could consider had been decided by this court in the *Estep* case against the same appellant, represented by the same counsel, before this appeal was taken. Appellant therefore knew, when it took this appeal, that the identical question involved had already been definitely settled. There is no dearth of cases here that needs to be supplid by appeals which present nothing for decision."

The hesitancy of petitioner's counsel in the lower court to risk a similar or stronger reprimand can well be understood, especially since he represented a client already found in contempt of one state court.[1]

Thirdly, the denial of the writ of error involving the order of January 15th was the law of the case and the Supreme Court of Illinois declines to take jurisdiction where the constitutional question has been settled. The statement of this Court that an attempt to appeal again to the Illinos Supreme Court should have been made, even though futile, presupposes that that Court had power to consider such an appeal. A litigant may be required to seek review, although convinced that he will be unsuccessful, but it is another thing to suggest that petitioner should institute proceedngs in a court that has no jurisdiction.

The Supreme Court of Illinois has often and emphatically stated that it has *no jurisdiction* to review questions already decided, even though decided in other proceedings. *People* v. *Blenz*, 317 Ill. 639; *Burns* v. *Illinois Central Railway Co.*, 258 Ill. 302; *People* v. *Fensky*, 290 Ill. 612; *Michel* v. *Illinois Racing Commission*, 364 Ill. 640.

[1] Appeals were held frivilous in many Illinois cases, including **Potter v. Leviton**, 199 Ill. 93; **Kraft v. Auw**, 192 Ill. 584; **Sheridan v. Peoria Railway Co.**, 241 Ill. 469.

This is so well settled in Illinois that to appeal to the Supreme Court of that state as suggested in this Court's opinion, could only invite censure. Petitioner and his counsel owed that respect to the highest court of their state not to disregard its plain injunction, and should not be put in a position of ignoring the doctrine of that state Court in order to preserve his constitutional rights.[2]

This Court insists on a complete exhaustion of state remedies before taking jurisdiction. The state courts insist on the principle that there must be an end to litigation. To have appealed again to the Illinois Supreme Court would have been to fly in the face of the multitude of decisions of that court which, in seeking to sustain the latter principles, have condemned such a procedure. The views of the state court on this subject were entitled to the respect of petitioner's counsel.

> "Both these questions were substantially settled when the case was here before. The first one was the very point then decided, and the court has now no power, if it had the inclination, to reverse that decision. There is no mode provided by law, except it be upon a rehearing, whereby the final decision of a case in this court can be reversed or set aside at a subsequent term.
>
> There must be an end of litigation somewhere, and there would be none if parties were at liberty, after a case had received the final determination of the court of last resort, to litigate the same matter anew, and

[2] The want of jurisdiction in the Illinois Supreme Court is a distinguishing feature between the case at bar and **Great Western Telegraph Co. v. Burnham**, 162 U. S. 339, cited by this Court in that it was said in that case, Page 343:

> "It is true that the Supreme Court of Wisconsin, upon a second appeal from an inferior court, has declined to reconsider any questions of law decided upon the first appeal. **Downer 1. Cross**, 2 Wisc. 371, 381; **Noonan v. Orton**, 27 Wisc. 300; **DuPont v. Davis**, 35 Wisc. 631; **Lathrop v. Knapp**, 37 Wisc. 307; **Oshkosh Fire Dept. v. Tuttle**, 50 Wisc. 352. It does not, however, as appears by the last two cases cited, when the question is the only one presented by the second appeal, dismiss that appeal for want of jurisdiction but it entertains jurisdiction and affirms the judgment."

bring it again and again before the court for its decision: *Washington Bridge* v. *Stewart*, 3 Howard, 413; *Booth* v. *Commonwealth*, 7 Metc., 286."

Hollowbush v. *McConnel*, 12 Ill. 202, 203.

Certainly petitioner does not quarrel with the proposition that state remedies must be exhausted before this Court will review, but once the issues are adjudged in the state court, the mere existence of some latent power in the rendering court to reopen or revise its judgment will not deprive ths Court of jurisdiction. *Market St. R. Co.* v. *Railroad Commission*, 324 U. S. 548.

This Court has not required that a petition for rehearing be filed in the highest court of the state before reviewing that court's judgment. *Southern R. Co.* v. *Clift*, 260 U. S. 316. It is a hypertechnical distinction to say that a State Supreme Court need not be importuned to reconsider its decision by way of petition for rehearing and yet to hold that petitioner must, in effect, do the same thing by a second writ of error.

Ths court points out that the petition for certiorari would not be timely if it challenged the order of January 15th. However, even if it had been timely it would have availed petitioner nothing as state questions still remain to be determined. *Gospel Army* v. *Los Angeles*, 331 U. S. 543.

Manifestly, therefore, had the order of January 15th not been amended the course followed by petitioner herein would have been the only one possible. The fact that the order was amended should not in anywise change the situation, since the amendment did not in anywise affect any of the rights of any of the parties. In regard to such amendments the Illinois statutes provide: (Chapter 7, Section 2, Illnois Revised Statutes).

"After judgment rendered in any cause, any de-

fects or imperfections in matter of form contained in the record, pleadings, process, entries, returns, or other proceedings in such cause may be rectified and amended by the court in affirmance of the judgment so that such judgment shall not be reversed or annulled."

The entry of the order of January 23rd, amending the order of January 15th was clearly proper under this section and under the authority of *Murphy* v. *The People*, 207 Ill. 337, no appeal from this amended order would lie.

II.

Wherefore, upon the foregoing grounds it is respectfully urged that this petition for rehearing be granted and the judgment of the Supreme Court of Illinois be, upon further consideration, reversed.

Respectfully submitted,

HARRISON PARKER,
Petitioner, Pro Se.

ALLAN R. BLOCH,
Of Counsel.

Dated at Chicago, April 26, 1948.

I do hereby certify that the foregoing petition for rehearing of this cause is presented in good faith and not for the purpose of delay.

.....
HARRISON PARKER,

State of Illinois,
County of Cook—ss.

Subscribed and sworn to before me a Notary Public for said County on the 26th day of April, 1948.

.....

A. J. Petrando,
Notary Public.

My Commssion expires April 15, 1951.
(Notary Seal)

Rutledge J. p. 9

SUPREME COURT OF THE UNITED STATES

No. 270.—October Term, 1947.

Harrison Parker, Petitioner, v. People of the State of Illinois. } On Writ of Certiorari to The Supreme Court of the State of Illinois.

[April 5, 1948.]

Mr. Justice Douglas delivered the opinion of the Court.

Petitioner, who was engaged in litigation in the Illinois courts with one Shamberg, was ordered on a motion for discovery to produce certain documents. He produced them by filing them with the clerk of the Illinois courts. Shamberg thereupon moved that petitioner be punished for contempt because the documents reflected on the integrity of the court. After a hearing petitioner was adjudged guilty of contempt. The court held that the order required only that petitioner produce the documents, not that he file them in court so as to make them public records; and that the filing of the documents containing statements deemed to be scurrilous constituted an obstruction of justice and an abuse of the processes of the court, tending to lessen the court's dignity and authority.[1] Petitioner was sentenced to jail for 90 days. That was on January 15, 1945. Petitioner thereupon sought a writ of error in the Illinois Supreme Court for review of the order of January 15. The writ of error was refused on January 23, 1945. Later in the same day the trial court, over petitioner's objection and in his presence, issued an amended order adjudging him guilty of contempt and sentencing him to jail for 90 days. This

[1] The contents of the documents are reviewed in 328 Ill. App. 46, 50–54.

amendment was made, it is said, to cure certain defects in the order of January 15 and to bring it into conformity with the requirements of Illinois law.

The amended order of January 23 is the one before us. Petitioner did not seek to take it directly to the Illinois Supreme Court. Rather, he took it first to the Appellate Court of Illinois where he sought to attack it on the grounds, *inter alia*, that it violated the First and Fourteenth Amendments of the Federal Constitution. But the Illinois Appellate Court did not consider those constitutional questions. It sustained the amended order of January 23 on state grounds. 328 Ill. App. 46. On writ of error, the Illinois Supreme Court affirmed the judgment of the Appellate Court. 396 Ill. 583. It likewise did not consider the constitutional questions which petitioner presented. For it is well-settled law in Illinois that if an appellant takes his case to the Appellate Court where errors are assigned of which that court has jurisdiction, he is deemed to have waived any constitutional questions. *People* v. *Rosenthal*, 370 Ill. 244, 247; *People* v. *McDonnell*, 377 Ill. 568, 569. That was the reason neither of the courts below passed on the federal constitutional questions tendered by petitioner.[2] See 328 Ill. App. 46, 55; 396 Ill. 583, 587. The circumstance that the petitioner had taken the order of January 15 directly to the Illinois Supreme Court did not cause that Court to except this case from that well-settled rule of Illinois practice.

This Court held in *Central Union Co* v. *Edwardsville*, 269 U. S. 190, that federal constitutional questions which

[2] Constitutional questions are to be reviewed directly by the Illinois Supreme Court. Ill. Rev. Stat. c. 110, § 199 (1947). As held in this case those include questions arising under the Federal Constitution. And see *Central Union Co.* v. *Edwardsville*, 269 U. S. 190, 194. The procedure is applicable in criminal as well as civil cases. *People* v. *Terrill*, 362 Ill. 61; *People* v. *Rosenthal*, *supra*; *People* v. *McDonnell*, *supra*.

Illinois held had been waived for failure to follow its procedure would not be entertained here. The nature of the questions presented in the present case seemed to us to warrant a grant of the petition for writ of certiorari to determine whether the rule of the *Edwardsville* case was applicable to the peculiar circumstances presented here.

When federal rights are involved, it is, of course, for this Court finally to determine whether the failure to follow the procedure designed by a State for their protection constitutes a waiver of them. *Davis* v. *O'Hara*, 266 U. S. 314; *Central Union Co.* v. *Edwardsville*, *supra*. The Court said in the *Edwardsville* case that when the waiver is founded on a failure to comply with the appellate practice of a State, the question turns on whether that practice gives litigants "a reasonable opportunity to have the issue as to the claimed right heard and determined" by the state court. 269 U. S., pp. 194–195. It was there held that the Illinois practice of requiring constitutional questions to be taken directly to the Illinois Supreme Court and of refusing to review them if review was first sought in the Appellate Court satisfied the requirement. We adhere to that decision. The channel through which the constitutional questions, raised by petitioner in his attack on the amended order, could have been taken all the way to this Court was not only clearly marked, it was also open and unobstructed.

Petitioner appears here *pro se*. But at the critical stages of this litigation he was represented by counsel of record. For the lawyer the choice was plain. Under these circumstances petitioner plainly had a reasonable opportunity to have his federal questions passed upon by the state court. When petitioner acting through counsel decided to seek review in the Appellate Court he made a choice which involved abandonment of the constitutional issues which he had raised in the proceedings. There is a suggestion that petitioner deemed it useless

to try to take the amended order of January 23 to the Illinois Supreme Court since access to that court had been denied him when review of the order of January 15 was sought. But even though the attempt may have seemed futile,[3] it was only by first seeking review in the Illinois Supreme Court that he could bring to this Court the constitutional questions raised under the amended order of January 23. It is not an answer to say that he went to the Illinois Supreme Court for review of the order of January 15.[4] That is not the order under which he stands committed; it is not the order reviewed by the Illinois Supreme Court in this case. Nor could denial by the Illinois Supreme Court of his petition for a review of that earlier order have been the foundation for this petition for certiorari. Review of that order was denied by the Illinois Supreme Court on January 23, 1945. Petition for certiorari was filed here August 15, 1947. His petition for certiorari is not timely if it challenges the earlier order.[5] It presents federal questions which have been waived if it involves, as it plainly does, the amended order.

The result is no different if the orders are treated as being the same in substance though separate in point of time and form. For if the January 15 order be regarded as merely an interlocutory version of the amended order of January 23, the fact remains that the latter order was not taken directly to the Illinois Supreme Court but to the Illinois Appellate Court, with the consequences we have indicated. We find it no more unreasonable for Illinois to require a second appeal than for this Court to do so,

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[3] Cf. *Great Western Telegraph Co.* v. *Burnham*, 162 U. S. 339.

[4] The writ of error by which petitioner challenged the order of January 15 does not appear in the present record. We assume most favorably to petitioner that the same constitutional questions were presented there as petitioner seeks to have adjudicated here.

[5] Sec. 8 (a) of the Judiciary Act of February 13, 1925, 43 Stat. 936, 940, 28 U. S. C. § 350.

as it does when it refuses to review the judgment of a lower state court absent a second appeal to the highest court of the State, though that be a mere formality because governed by the law of the case established in an earlier appeal. *McComb* v. *Commissioners of Knox County*, 91 U. S. 1; *Great Western Telegraph Co.* v. *Burnham*, 162 U. S. 339.

It is suggested that in this case there could be no final judgment within the meaning of § 237 of the Judicial Code, 28 U. S. C. § 344 which could be brought here by certiorari until all questions of state law had been resolved by the Illinois courts. But there would be nothing other than ministerial acts left to be done by the trial court once the Illinois Supreme Court denied direct review of the order. Cf. *Richfield Oil Corp.* v. *State Board*, 329 U. S. 69, 72–73. Any further proceedings in the Illinois courts would be solely at the option of petitioner. In these circumstances, a judgment is no less final for purposes of our jurisdictional statute because it has been sustained solely on federal constitutional grounds.[6] That consequence is inherent in the rule formulated in *Central Union Co.* v. *Edwardsville*, *supra*.

Affirmed.

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[6] If direct review of the amended order were obtained in the Illinois Supreme Court, rather than denied for lack of a substantial constitutional question, that court would pass not only upon the constitutional questions but upon all other questions as well. *Groome* v. *Freyne Engineering Co.*, 374 Ill. 113; *People* v. *Kelley*, 367 Ill. 616, 618; *Geiger* v. *Merle*, 360 Ill. 497, 505, 507.

SUPREME COURT OF THE UNITED STATES

No. 270.—October Term, 1947.

Harrison Parker, Petitioner, v. People of the State of Illinois. } On Writ of Certiorari to The Supreme Court of the State of Illinois.

[April 5, 1948.]

Mr. Justice Rutledge, with whom Mr. Justice Black and Mr. Justice Murphy agree, dissenting.

Petitioner has been held in contempt and sentenced to imprisonment for complying with an order of court to produce specified documents. Technically he was ordered to show cause why the documents should not be produced. After his objections to that order were overruled he complied by bringing the documents into court and filing them with the clerk.[1] Thereupon he was cited for contempt because the documents reflected on the court's integrity and was sentenced to 90 days in jail.

[1] At this time petitioner was not represented by counsel and there was a slight deviation from a strictly accurate compliance with the court's directive. But even if he had had counsel, the deviation was minuscule. It could not have furnished a sufficient basis, without more, for sustaining an order of contempt and commitment as for disobedience. The court's order indeed did not rest on any such ground. It rested rather on the grounds that the "filing of said scurrilous affidavit and exhibits . . . constitutes an obstruction of justice and an abuse of the [court's] processes, and tended to lessen [its] dignity and authority . . . ." Obviously the mere filing of documents not scurrilous could have given no ground for entering or sustaining such ah order. Cf. note 3.

Whether or not the documents would have given ground for punishment if they had been published voluntarily by petitioner,[2] the effect of the contempt judgment coupled with that of the order for production[3] has been first to compel petitioner to publish the statements by filing them and then to send him to jail for obeying the court's order. Cf. *Entick* v. *Carrington*, 19 How. St. Tr. 1029, 1073. I know of no constitutional power which permits a state to force a citizen into such a dilemma, and I think the most elementary conception of due process under the Fourteenth Amendment forbids any such action.

Yet this Court now acquiesces in this substantial and unconstitutional deprivation of petitioner's liberty by accepting an asserted procedural waiver of petitioner's substantive rights which, in my opinion, no more comports with basic conceptions of due process than does the substantive order for commitment. Constitutional rights may be nullified quite as readily and completely by hypertechnical procedural obstructions to their effective assertion and maintenance as by outright substantive denial. *Marino* v. *Ragen*, 332 U. S. 561, concurring opinion at 563.

The entire basis of the Court's action is that the original contempt order of January 15 and the so-called amended

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[2] Cf. *Craig* v. *Harney*, 331 U. S. 367; *Pennekamp* v. *Florida*, 328 U. S. 331; *Bridges* v. *California*, 314 U. S. 252.

[3] The state makes a weak effort to avoid the order's effect by attempting to distinguish between an order to show cause why the documents should not be produced and one for their production. We have been cited to no authority holding that in Illinois the order to show cause does not have the effect of an order for production if cause is not shown or, in that event, would not support an order of contempt for failing to produce.

order of January 23 are different orders; petitioner is deemed to have waived his constitutional rights by taking an appeal from the latter order to the Illinois Appellate Court rather than to the Illinois Supreme Court. The case seems simple because it is said to be "well-settled Illinois law" that both federal and state constitutional rights are waived by taking this appellate route, and because this Court has previously determined that this appellate practice gives litigants a reasonable opportunity to be heard. See *Central Union Co.* v. *Edwardsville*, 269 U. S. 190, 194–195.

I cannot accept this hypertechnical procedural nullification of constitutional rights in a case involving the liberty of the individual. The original order of January 15 and the so-called amended order are in reality the same order. Moreover, prior to this case there was no "well-settled Illinois law" to apprise petitioner that his appeal to the intermediate court would constitute a waiver of his rights in circumstances such as these, where he had already sought review of his federal questions in the state supreme court. And finally, even if the contrary had been true, I would not consider this appellate practice reasonable within the doctrine of the *Central Union* case.

Petitioner filed the "scurrilous affidavits" which led to the contempt order on two different occasions. The first was on January 4 in response to the motion to produce them for inspection. The second was on January 15 as part of his answer to Shamberg's motion for a rule to show cause why he should not be adjudged in contempt for filing documents which he was only required to produce for inspection. On this second occasion the documents were included in the pleadings because relevant to his defense that the statements made therein were

true.[4] The court adjudged petitioner in contempt for both filings.[5]

In the original contempt order of January 15 the court specifically referred to the fact that the documents had been filed twice before, identified them carefully, and stated that they "should be by reference incorporated in this order and made a part hereof for greater certainty." At a later point in the order the

[4] Petitioner never obtained a hearing on the truth of the statements in the documents even though that issue was relevant to the merits of the slander action against Shamberg which gave rise to the contempt proceedings. Since this slander action was dismissed on the merits without trial, it is of interest that the Illinois Appellate Court pointed out in review of the contempt order discussed in note 5 *infra:* "When Shamberg's petition is considered in the light of the fact that Parker had demanded a jury trial in the slander case, it seems reasonably clear that the trial court should not have ruled Parker to answer the petition, as the evident purpose of that pleading was to have the trial court prejudge facts that Parker insisted should be submitted to a jury." 328 Ill. App. 46, 63.

[5] On January 23 the court also issued an additional contempt order based on the tone of petitioner's answer to still another motion filed by Shamberg asking that petitioner be placed in contempt for not producing all of the documents listed in the motion to produce. This contempt order was set aside by the Illinois Appellate Court. See note 4 *supra.* Among other things that court stated: "[Shamberg's] petition is highly provocative pleading, and Shamberg probably intended that it should have that effect. There is some force in the contention of Parker that the petition was designed to provoke him into making some answer or statement that would subject him to criminal prosecution or contempt proceedings. There is also force in Parker's argument that if the statements he made in his answer, upon which Shamberg now relies, constitute contempt of court, why did not the many charges made against Parker in the petition also constitute contempt of court? . . . We think that when the statements made by Parker in his answer are considered in the light of the serious charges that were made against Parker and the Puritan Church in the petition, the answer seems to be a fairly temperate pleading." 328 Ill. App. 46, 67–68.

documents were again listed and adjudged to be "hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth herein." Thus the documents which gave rise to the contempt order were twice made a matter of public record and twice incorporated in the original contempt order.

The so-called amended order of January 23 is absolutely identical with the original order with the immaterial exception that the documents, in addition to being incorporated in the order by reference were also "made a part hereof and marked Exhibits 'A' and 'B' respectively." The reason for the change is probably explained by Illinois cases such as *People* v. *Hogan*, 256 Ill. 496, holding that the record on review of a contempt order is limited to the order itself. But respondent has not called our attention to any Illinois cases holding that incorporation of matter of public record into an order by reference is insufficient to make that matter part of the order. Indeed, this very proceeding indicates that this requirement is not strictly applied. For the Illinois Appellate Court set aside one order adjudging petitioner in contempt for the tone of his answer to a certain pleading filed by Shamberg on the ground that the charges in Shamberg's pleading, which was not made a part of the contempt order, justified the tone of the answer. 328 Ill. App. 46, 60–68. But even if it is assumed that the amendment was necessary to satisfy the requirements of Illinois law, it was of such a trivial and ministerial nature that it obviously did not affect the merits of petitioner's constitutional allegations.

When petitioner sought review of the original contempt order in the Supreme Court of Illinois he obtained the only review of those constitutional contentions which the

state procedure offered him. That court by denying the writ of error must be presumed to have passed on the merits of the constitutional questions in the case. It is inconceivable that the supreme court would have passed on them any differently if review of the so-called amended order had later been requested. For, as far as that court is concerned, it is likely that the law of the case as to the constitutional issues was already settled. But even if it were taken that the supreme court might have reversed its decision, the fact remains that the so-called amended order was the same order as the original January 15 order of which review had already been denied. Petitioner is deemed to have waived his federal constitutional rights not because he failed to seek review in the supreme court, but because he failed to do so twice.

It is definitely not "well-settled Illinois law" that a waiver results in these circumstances. In all of the cases cited in the opinion of the Court and in respondent's brief the petitioner initially sought review in the intermediate appellate court. In none did he do so only after having the state supreme court deny an application for review. There is no "well-settled Illinois law" to the effect that two applications to the state supreme court must be made in order to avoid waiver of constitutional rights. And if such a requirement did exist it certainly would not be reasonable.[6] Consequently I am unable to agree that the doctrine of waiver applied here to deprive a man of his personal freedom in violation of

[6] Even the opinions of the Illinois appellate courts in this proceeding would not enlighten future litigants because they do not mention the fact that writ of error was denied by the supreme court before review in the appellate court was sought. See 328 Ill. App. 46 and 396 Ill. 583.

his constitutional rights is a reasonable state procedure within the *Central Union* case.[7]

By stating that the petition for certiorari is not timely if it challenges the original order, the Court repeats its mistake of treating the so-called amended order as something entirely separate and distinct from the original contempt order. But with the two orders viewed as the same, there is clearly no question of timeliness. For the denial of writ of error by the Illinois Supreme Court left state issues that went to the core of the litigation for determination by appeal through the intermediate state court. The situation therefore is not the one presented in *Richfield Oil Corp.* v. *State Board*, 329 U. S. 69, where the only things remaining to be done were ministerial acts in the trial court. Here, even if nothing more was left for the trial court to do, a great deal more was left to be done by the Illinois Appellate Court, namely, to review and determine all questions of state law presented in the case.[8] The *Richfield* decision had no relation to a split procedure for review in the state courts such as this, sending federal questions to one tribunal and state questions to another. Until the final judgment was entered by the Supreme Court of Illinois on May 19, 1947, in review of the Illinois Appellate Court's judgment, the core of the litigation had not been terminated "by fully determining the rights of the parties." *Gospel Army* v. *Los Angeles*, 331 U. S. 543, 546. For only then were the state questions finally adjudicated. Hence any earlier application for certiorari would have met with the in-

[7] That case declared that the state procedure "should bind us unless so unfair or unreasonable in its application to those asserting a federal right as to obstruct it." 269 U. S. 190, 195.

[8] These questions are discussed in 328 Ill. App. 46 and 396 Ill. 583.

superable obstacle that we were without jurisdiction, for want of any final judgment.[9]

Petitioner was thus placed in a second dilemma, arising in the appellate stage of the state proceedings. He first followed the only course afforded by the state procedure for securing review of his federal constitutional questions. When they were determined against him he was barred from coming here because state questions remained to be decided by the intermediate appellate court and thus as a matter of federal law under our decisions the judgment was not final. In order to surmount this jurisdictional hurdle petitioner then went to the only place he could go, the intermediate appellate court. When it decided the state issues against him, he took the necessary further step of going again to the state supreme court. Its adverse decision finally closed the trap upon him. For the first time a judgment dispositive of the whole controversy was rendered, and thus the way opened under federal law for review of the federal questions here. But at the same instant that door was closed, by application of the Illinois rule that taking appeal to the intermediate court "waived" petitioner's federal rights. And that ruling held on his application for rehearing.

I can imagine no better way to annihilate constitutional rights, both substantively and procedurally, than

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[9] Cf. *Prudential Ins. Co.* v. *Cheek*, 252 U. S. 567, 259 U. S. 530. It has been suggested that on the record we cannot ascertain whether the Illinois Supreme Court's denial of review of the order of January 15th was on federal or state grounds. But when the only purpose of review under state law can be to secure decision of federal questions and no more appears from the state court's order than that the application for review was denied, this Court has refused to allow a presumption that the denial was on state grounds only to cut off review here of federal constitutional questions determinative of the citizen's liberty. *Williams* v. *Kaiser*, 323 U. S. 471, 478, and authorities cited.

thus dovetailing federal jurisdictional limitations with state procedural ones. To secure review of federal questions here, petitioner must exhaust his state remedies. But if he exhausts those remedies he "waives" the federal questions.

This is not waiver. It is nullification. I do not think Congress intended to countenance such a denial by the requirement of finality or that its effect, in conjunction with state procedures, should be to cut off the very rights which the jurisdictional authorization for reviewing final judgments was enacted to safeguard.

The issue of federal procedure in this case is not one of timeliness. It is rather one of finality, now applied to deny rather than to assure review in protection of personal liberty from invasion by unconstitutional state action. *Central Union Co.* v. *Edwardsville, supra,* contemplated no such paradox.[10] Nor, to my knowledge, has any other decision of this Court. As a matter of federal procedure petitioner did not waive his constitutional rights either by failing to seek certiorari from the Illinois Supreme Court's judgment of January 23, 1945, or by taking the necessary steps to seek the writ when he appealed to the state intermediate appellate court.

The judgment of the Illinois Supreme Court should be reversed.

[10] It is suggested that the *Edwardsville* case implicitly held that a judgment of the Illinois Supreme Court adjudicating the federal issues in a case is final even though state issues remain unresolved. That case, however, was decided on the express assumption that the Illinois Supreme Court would pass on the federal question *"together with all the other questions in the case."* 269 U. S. 190, 195. (Emphasis added.) Of course the state supreme court judgment is final when it settles all the state issues as well as the federal issues.